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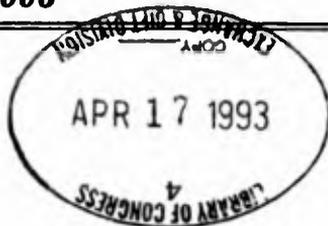




*United States, 111*

**FBI OVERSIGHT AND AUTHORIZATION,  
FISCAL YEAR 1993**

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**HEARINGS**  
BEFORE THE  
SUBCOMMITTEE ON  
CIVIL AND CONSTITUTIONAL RIGHTS  
OF THE  
COMMITTEE ON THE JUDICIARY  
HOUSE OF REPRESENTATIVES  
ONE HUNDRED SECOND CONGRESS  
SECOND SESSION

—————  
MARCH 18 AND 20, 1992  
—————

**Serial No. 81**



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47  
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# CONTENTS

## HEARINGS DATES

March 18, 1992 .....	Page 1
March 20, 1992 .....	105

## OPENING STATEMENT

Edwards, Hon. Don, a Representative in Congress from the State of California, and chairman, Subcommittee on Civil and Constitutional Rights .....	1
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## WITNESSES

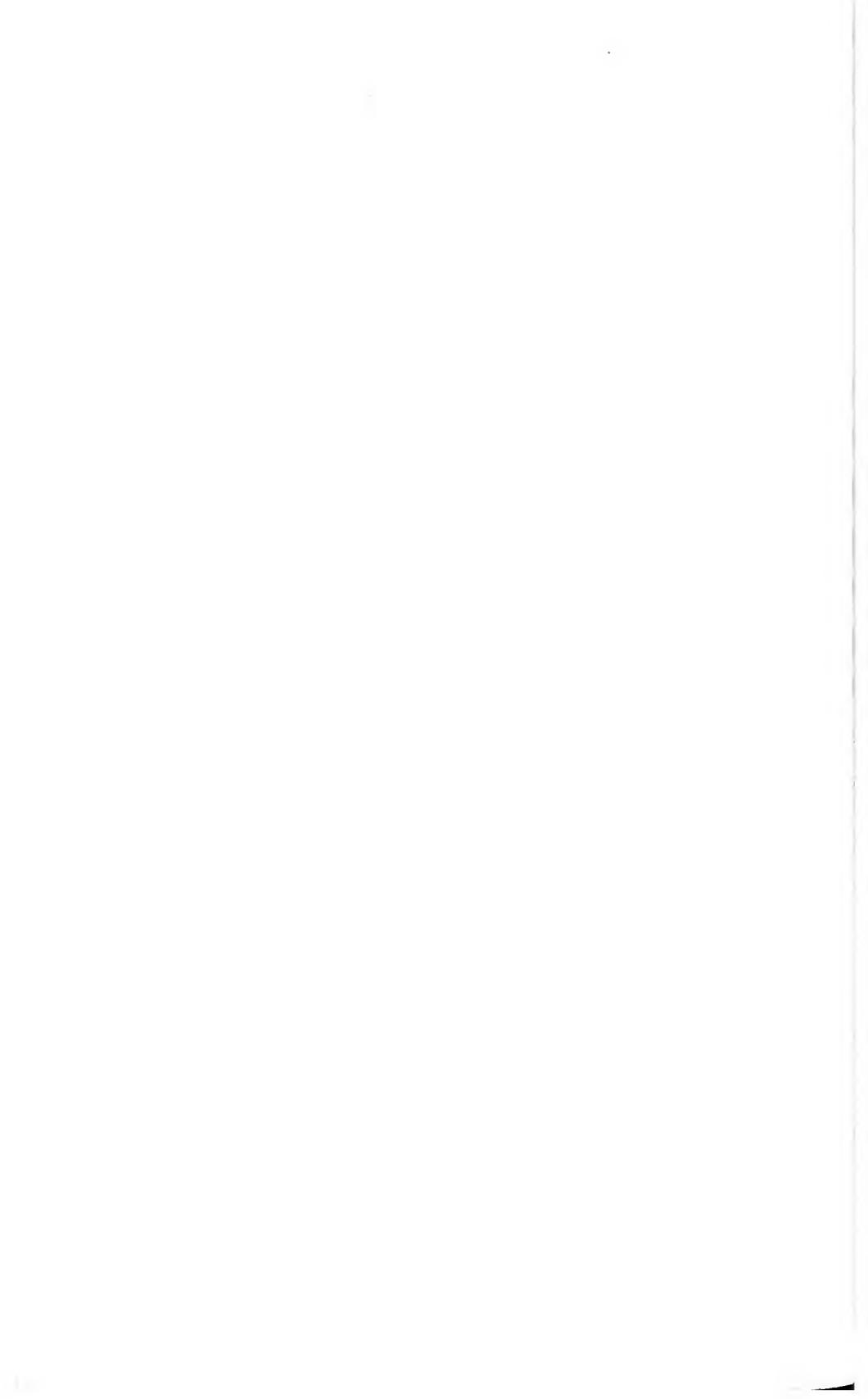
Sessions, William S., Director, Federal Bureau of Investigation .....	2
York, Lawrence K., Assistant Director, Identification Division, Federal Bureau of Investigation, accompanied by Bruce J. Brotman, Chief, Integrated Automated Fingerprint Identification System Section, and Virgil L. Young, Jr., Chief, Automated Operations Support Section .....	109

## LETTERS, STATEMENTS, ETC., SUBMITTED FOR THE HEARINGS

Kopetski, Hon. Michael J., a Representative in Congress from the State of Oregon: Submission of letters concerning the FBI fingerprint identification automation program and the State of Oregon's possibilities of marriage with their own system .....	135
Sessions, William S., Director, Federal Bureau of Investigation:	
Civil rights investigations and prosecutions .....	66
FBI digital telephony legislative proposal .....	79
Prepared statement .....	7
Staggers, Hon. Harley O., Jr., a Representative in Congress from the State of West Virginia:	
Opening statement .....	107
Submission of information regarding provisions for sanitary waste water treatment at the FBI relocation site in Clarksburg, WV .....	126
York, Lawrence K., Assistant Director, Identification Division, Federal Bureau of Investigation:	
John E. Collingwood, Inspector in Charge, Congressional Affairs Office, FBI, letter to the Honorable Don Edwards, dated April 10, 1992, and enclosures, regarding construction of new facility in West Virginia .....	126
John E. Collingwood, Inspector in Charge, Congressional Affairs Office, FBI, letter to the Honorable Don Edwards, dated May 15, 1992, regarding AFIS systems .....	146
Prepared statement .....	112

## APPENDIX

Sessions, William S., letter to the Honorable Don Edwards, dated March 19, 1992, regarding digital telephony .....	165
Sessions, William S., letter to the Honorable Don Edwards, dated April 22, 1992, submitting followup information in response to issues raised at the hearing .....	170
Sessions, William S., letter to the Honorable Don Edwards, dated March 20, 1992, submitting answers to questions regarding the Identification Division relocation and automation project .....	188



# FBI OVERSIGHT AND AUTHORIZATION, FISCAL YEAR 1993

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WEDNESDAY, MARCH 18, 1992

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON CIVIL AND CONSTITUTIONAL RIGHTS,  
COMMITTEE ON THE JUDICIARY,  
*Washington, DC.*

The subcommittee met, pursuant to notice, at 10:06 a.m., in room 2237, Rayburn House Office Building, Hon. Don Edwards (chairman of the subcommittee) presiding.

Present: Representatives Don Edwards, Patricia Schroeder, Craig A. Washington, Michael J. Kopetski, Henry J. Hyde, Howard Coble, and Bill McCollum.

Also present: James X. Dempsey, assistant counsel, and Kathryn Hazeem, minority counsel.

## OPENING STATEMENT OF CHAIRMAN EDWARDS

Mr. EDWARDS. The subcommittee will come to order.

We welcome the Director this morning.

The subcommittee, all the members and the staff, were very distressed to read of the death of FBI Agent Stanley Ronquest. As a matter of fact, we expressed our dismay and sympathy to the family and to the Bureau in the Congressional Record on Monday.

This morning the subcommittee is pleased to welcome the Director of the FBI, the Honorable William S. Sessions. Director Sessions is here to discuss the FBI's budget request for fiscal year 1993. We have seen the FBI budget grow steadily and dramatically in good times and bad, from \$600 million in 1981 to over \$2 billion. As in past years, the FBI is requesting significant budget increases and we will scrutinize them carefully.

The FBI is facing many new challenges: a very ambitious program to automate and relocate its Identification Division, a total revamping of its hiring process, reevaluating its mission in light of the end of the cold war. It's our responsibility to press the FBI to meet these challenges. We look forward to the Director's testimony.

We are concerned, and we'll get into it in some detail later, about the dramatic increase in the budget. All over the country, as I explained to the Director the other day, when we, Members of Congress, go home, we see cutbacks in school lunches, in the WIC program, in education funds and highway funds, and lots of people being discharged. So, naturally, it is of some concern that the FBI is asking for a lot more money this year. The question is going to have to be asked and explained: Why doesn't the FBI take a hit

like the CIA is going to take, and the Pentagon, and police departments and schools all over the country?

We're also going to get into the cost overruns. Some of them have been—and we'll mention them in the questions and answers—have really been enormous. We're going to want to know about Ident, and how do we know that the cost overruns in Ident are not going to follow the same pattern? So all of these questions are going to be explored in some detail.

We have a fine relationship with the FBI, and especially with the Director, who has been most cooperative and understands the job that we have in authorizing its funds and in oversight, which doesn't mean, however, that we're not obligated to look very carefully at the budget and your plans for the future, and that will be the purpose of this hearing today.

We welcome, and I recognize, the gentleman from Illinois, Mr. Hyde.

Mr. HYDE. Thank you, Mr. Chairman. The Federal Bureau of Investigation is the Nation's principal law enforcement agency, responsible for investigations in counterterrorism, white-collar crime, organized crime, drug enforcement, violent crime, and foreign counterintelligence. I might also add it is the Nation's premier law enforcement agency.

The changing international landscape will undoubtedly affect the programs and operations of the Bureau, as it strives to carefully balance continuing national security, foreign counterintelligence and counterterrorism demands with ever-pressing domestic needs, especially in the areas of violent crime and drugs.

One of the crucial problems facing the Bureau is the emergence of new telephone technologies which threaten its ability to conduct lawful electronic surveillance operations. The Bureau is seeking legislation to require telephone companies to ensure that they will be technologically able to maintain the status quo with respect to lawfully conducted wiretap operations. I know all the members of the subcommittee are interested in learning more about this important issue, so that appropriate legislation is enacted, and the FBI's law enforcement efforts are in no way diminished.

Judge Sessions, we surely appreciate your coming here today and look forward to hearing from you.

Mr. SESSIONS. Thank you, sir.

Mr. EDWARDS. The gentleman from North Carolina, Mr. Coble.

Mr. COBLE. No opening statement, Mr. Chairman.

[Witness sworn.]

Mr. EDWARDS. Thank you. You may proceed. You have a lengthy statement that will be made a part of the record. I understand that you are going to present a somewhat shorter statement, but take your time. We're awfully glad you're here.

#### STATEMENT OF WILLIAM S. SESSIONS, DIRECTOR, FEDERAL BUREAU OF INVESTIGATION

Mr. SESSIONS. Thank you, Mr. Chairman. I'll spare you the 56 pages of that full statement.

I would be remiss if I did not thank the committee, and most particularly the chairman, for the sponsorship of those remarks in the Congressional Record in behalf of Special Agent Stanley

Ronquest. I will make certain that Mrs. Ronquest receives the copy of those, and I'm sure she's gratified, as is the family, that you have done that. I'm grateful to you.

It's a pleasure to appear before you, and I appreciate your allowing me to have the full statement in the record, because it does develop those parts that I will skim over with my summary.

First, let me thank you, Mr. Chairman, for sponsoring legislation last year that would have amended section 2709 of title 18. That legislation would reestablish the procedure that allowed the FBI to access limited subscriber information in national security investigations. As much work remains to be done to ensure that this critical legislation is enacted, I would greatly appreciate your continuing support. I believe our recent reprogramming action, which we'll probably discuss this morning, makes the enactment of this legislation even more vital.

For fiscal year 1993, as you noted, the President is requesting slightly over \$2.1 billion in funding and 22,828 positions for the FBI. Now the limited funding increases that are included in this budget are primarily devoted to automated fingerprint identification, as you noted; technical field support; the investigation of white-collar crime and drugs; and the violent crimes and major offenders' program. Our two recent major initiatives—that is, the Safe Streets Program and Health Care Fraud—are supported also by this request.

Mr. Chairman, combined with your knowledge of our operational needs and the critical support functions we provide to State and local law enforcement, I hope that you will fully support our funding request. I am confident that upon review you will find that the request is fully supported and is necessary for the FBI to adequately meet the rightful expectations of our citizens in these times.

The FBI has taken an increasingly proactive approach to the broad law enforcement issues that confront our communities, our country, and our world. I believe the formula for success is founded upon our ability to meet adversity with innovation. Using flexibility to manage a myriad of complex issues, I am encouraged that year after year the FBI has identified the critical law enforcement needs of this country and has addressed them with inspired, creative approaches. It is through our ability to innovate and to get results that the FBI remains one of the most respected law enforcement agencies in the world.

You have seen this in action recently as we unveiled our Safe Streets Program and the Health Care Fraud Strategy; as we successfully investigated crimes like the bombing murder of Judge Robert Vance and Attorney Robert Robinson, and the bombing of Pan Am 103; and as we addressed terrorism during the gulf crisis; and as we adapted to a rapidly changing world intelligence arena. You also have witnessed a stronger commitment toward those support services we provide to other Federal, State, and local law enforcement agencies.

As you know, Mr. Chairman, your actions in Congress can greatly enhance America's confidence in strong law enforcement. In the coming year, as you continue to address the important law enforcement issues that fall within your oversight responsibilities, I am

hopeful for even greater public support of our mission and our operations, as well as strong congressional support of those legislative and investigative initiatives that are critical to the FBI.

My decision earlier this year to reprogram 300 FBI special agents as part of a greatly enhanced violent crime initiative illustrates our commitment to serve the American people. At the earliest opportunity after determining that our national security effort would not be impaired by diverting resources from our counter-intelligence mission, the FBI responded to America's dire needs with an operation called Safe Streets, and we recognized the need that law enforcement could meet and we responded.

This Nation's violent crime rate has continued to rise—up, for example, 11 percent between 1989 and 1990. Here in our Nation's Capital our citizens are outraged by the shocking number of homicides. I continue to be concerned about the message that these spiraling trends send to America's youth. Although I designated violent crime as a priority program back in 1989, I believe that the FBI must do even more to assist local law enforcement and community leaders.

To deal with this intolerable situation, last fall we initiated a model Safe Streets Program here in the Washington, DC, area. We have already met with some success. Only a few months ago we acted to shut down the criminal activities of the so-called P Street Gang. At the same time we have gone out into the community, adopting schools—and you see this display over here from the Savoy Elementary School that has been adopted by the FBI—providing mentoring, and offering direct support to our citizens.

We then moved to expand our Safe Streets Program nationwide in January 1992 by directing the special agents in charge of our FBI field offices to coordinate similar strategies with their local counterparts. Through the use of combined task forces and community outreach, we are leading a united law enforcement attack designed to stem the alarming gang and drug-related violence that touches you, our families, your constituents. We will continue to work closely in partnership with local law enforcement officers and with community leaders to reassure Americans that the FBI can help to make their streets safer. Total community efforts are needed, and the FBI I believe can be the catalyst.

In keeping with this theme of partnership, let me take a moment to speak out in support of over 600,000 law enforcement officers across this country who place themselves at risk each and every day to protect our lives and our property and our rights. Each year approximately 150 officers are killed in the line of duty. The FBI, fortunately, lost no agents last year, but, as you noted, tragedy struck again last week when veteran Special Agent Stanley Ronquest was gunned down in Kansas City, MO. To all those who have been lost, as well as to those who continue to serve, America owes a tremendous vote of respect and of gratitude.

Our growing recognition of the impact of health care issues caused us over 2 years ago to begin redefining the FBI's role in the area of health care fraud. It is estimated by the industry that between 5 and 15 percent of all health insurance claims are fraudulent or questionable. In an industry where close to \$700 billion was spent in 1991 to provide health care to the public, the epidemic

proportion of the fraud problem is readily apparent. I have acted to reassign a number of agents to this top priority initiative. We are now planning significant future enhancements and have developed a comprehensive national strategy.

As the world reacted last fall to the fall of communism, not only did we sharpen our focus and the focus of our foreign counterintelligence mission, but we also began to examine the law enforcement needs of the emerging democracies around the world. Many of these countries have looked to us for investigative support and the civilian training that is required in the development of their criminal justice systems that will effectively address crime as well as protect the civil liberties of their citizens.

In furtherance of the belief that the FBI should play a significant leadership role in assisting international police training, I recently traveled to Poland to meet with Government and law enforcement leaders there. We discussed Poland's particular law enforcement training needs and I offered the FBI's cooperation. As the FBI is an agency equipped to identify these training needs and coordinate a vigorous response, I hope for the committee's support in Congress to enable the FBI to carry out this significant and important law enforcement activity.

A role in international training is a part of a multifaceted approach intended to increase the level of assistance that we provide to other law enforcement agencies. I have worked to strengthen the FBI's longstanding service commitment to international, Federal, State, and local law enforcement agencies. I have strongly encouraged the development of DNA technology as one of the most powerful forensic tools of the century, and we have implemented the revitalization of the Identification Division and the development of the National Crime Information Center 2000, NCIC 2000.

We have continued to provide management training to the Nation's police through the National Academy program at the FBI Academy at Quantico and other leadership programs. Enhanced training and support services, such as those provided by our National Center for the Analysis of Violent Crime, are in greater demand than ever.

In October of last year, as part of the FBI's effort to help communities deal with violence, I hosted a national symposium on violent crime at the FBI Academy, which brought together FBI leaders, law enforcement, and community leaders from across the country.

To further improve the level of investigative support services which we now provide—and those which we may provide in the future—I recently decided to restructure the existing apparatus for providing information services by approving a new division at FBI headquarters, to be named the Criminal Justice Information Services Division. This action will greatly improve the quality of our customer-driven law enforcement information services to agencies across the country and will provide the necessary strategic planning for the future. The Division will oversee the integrated automated fingerprint identification system, known as IAFIS, that is now under development in the program office which was allocated for in the 1992 Appropriations Act and other services which depend on some form of electronic communications with local law enforcement.

During the past year we have continued the meticulous examination of our personnel practices. As you know, a top FBI management priority is the development of a new selection system for new FBI agents. You may recall that last fall we discontinued the use of our 12-year-old hiring system after a comprehensive review revealed that it needed to be improved. The level of public interest in our selection process emphasizes the importance of the role and positive perception of the FBI in our society. We will continue to ensure that this committee is kept informed of our progress in that regard. I view this process as an excellent opportunity to ensure that the FBI agents of the future mirror the diversity of our society and continue to be the best possible individuals that we can select.

Finally, as you noted, one of the most pressing Federal legislative initiatives for the FBI, and probably for all of law enforcement, is digital telephony. As you know, the Attorney General has proposed amending the Communications Act of 1934. This amendment would require the providers of telecommunications services to ensure that the Government's ability to lawfully intercept communications is unimpeded by the introduction of the emerging digital technology.

The FBI and other law enforcement agencies must rely on court-ordered electronic surveillance to address particularly difficult investigative responsibilities. Because this investigative tool is critical to law enforcement, the introduction of digital telephone technology will have a severe, negative impact on our ability to conduct investigations. If we fail to act quickly on this initiative, the cost to our citizens and their safety will be high. Law enforcement will be forced to rely on much more intrusive and often dangerous investigative techniques that are oftentimes less effective and more costly. This proposed legislation only maintains the status quo. As I understand it, it will also not impede developing technology. Your strong support of this amendment is critical to ensure that the needs of law enforcement and the safety of our citizens are met as the telecommunications technology advances.

Throughout the past year, we have, I believe, again served the American public well. Our achievements have been some of the most significant ever. Our capabilities were demonstrated by the indictments in the Pan Am 103 bombing, the prosecution of Walter Leroy Moody, Jr., for the murder of Judge Vance and Mr. Robinson, the successful resolution of the Talladega, AL, prison uprising, and the record convictions for financial institution fraud.

Each year I have outlined accomplishments such as these where we have concentrated our efforts and utilized our diverse expertise to overcome adversity and to uphold our investigative responsibilities. As Director, I have never been more challenged or more proud of the fine men and women of the FBI who unselfishly serve this Nation and have produced this record.

Mr. Chairman, that concludes my prepared remarks. I would be happy to answer any questions that you or the other members of the committee may have, sir.

Mr. EDWARDS. Well, thank you very much for that very helpful statement.

[The prepared statement of Mr. Sessions follows:]

PREPARED STATEMENT OF WILLIAM S. SESSIONS, DIRECTOR, FEDERAL  
BUREAU OF INVESTIGATION

THANK YOU, MR. CHAIRMAN AND MEMBERS OF THE  
SUBCOMMITTEE --

AGAIN THIS YEAR, I AM PLEASED TO APPEAR BEFORE YOU FOR THE FBI'S FISCAL YEAR (FY) 1993 AUTHORIZATION AND OVERSIGHT HEARING. SINCE BECOMING FBI DIRECTOR, THIS ORGANIZATION HAS TAKEN AN INCREASINGLY PROACTIVE APPROACH TO THE BROAD LAW ENFORCEMENT ISSUES THAT CONFRONT OUR COMMUNITIES, OUR COUNTRY, AND OUR WORLD. USING FLEXIBILITY TO MANAGE A MYRIAD OF COMPLEX ISSUES AT ANY GIVEN TIME, I AM ENCOURAGED THAT THE FBI HAS CONTINUED TO IDENTIFY CRITICAL NEEDS OF OUR CITIZENS AND HAS ADDRESSED THEM WITH INNOVATIVE APPROACHES. IT IS THROUGH OUR ABILITY TO INNOVATE -- AND TO GET RESULTS -- THAT THE FBI REMAINS THE MOST RESPECTED LAW ENFORCEMENT AGENCY IN THE WORLD.

FIRST, LET ME THANK YOU, MR. CHAIRMAN, FOR SPONSORING LEGISLATION LAST YEAR TO AMEND SECTION 2709 UNDER TITLE 18. THE PASSAGE OF THIS AMENDMENT, WHICH WOULD ALLOW THE FBI ACCESS TO CERTAIN CRITICAL SUBSCRIBER INFORMATION, IS STILL A TOP LEGISLATIVE PRIORITY FOR THE FBI AND I LOOK FOR YOUR CONTINUED SUPPORT THIS YEAR TO ASSURE PASSAGE OF THIS AMENDMENT.

THIS SUBCOMMITTEE PLAYS AN IMPORTANT ROLE TO ASSURE THAT THE FBI MAINTAINS THE PUBLIC CONFIDENCE. IN THE COMING YEAR, AS YOU ADDRESS THOSE IMPORTANT ISSUES WHICH ARE DEEMED TO REQUIRE STRICT OVERSIGHT, I WOULD ALSO HOPE TO SEE GREATER PUBLIC SUPPORT OF OUR SUCCESSFUL OPERATIONS AS WELL AS STRONG ADVOCACY OF THOSE LEGISLATIVE AND INVESTIGATIVE INITIATIVES WHICH DEVELOP AS PRIORITY CONCERNS TO THE FBI. BY CONTINUING TO FOSTER OPEN

DIALOGUE WITH THIS SUBCOMMITTEE, WE ARE BETTER ABLE TO EFFECTIVELY FULFILL OUR MISSION TO THE AMERICAN PEOPLE.

IN THE COMING YEAR, YOUR KEY SUPPORT WILL BE CRITICAL TO THE SUCCESS OF SEVERAL ISSUES AND INITIATIVES. THE AMERICAN PEOPLE WERE SERVED WELL IN 1991 BY THE FBI. TWO LIBYANS WERE INDICTED FOR THEIR PARTICIPATION IN THE PAN AM 103 BOMBING, THE PRISON TAKEOVER AT TALLADEGA, ALABAMA, WAS SUCCESSFULLY RESOLVED, WALTER LEROY MOODY, JR. WAS CONVICTED FOR THE MAILBOMB MURDERS OF JUDGE ROBERT VANCE AND ATTORNEY ROBERT ROBINSON, AND RECORD NUMBERS OF CONVICTIONS FOR FINANCIAL INSTITUTION FRAUD WERE RECORDED. YOUR SUPPORT OF SUCCESSFUL OPERATIONS LIKE THESE IS ESSENTIAL. AS WE LOOK FORWARD TO THE COMING YEAR, THE FBI WILL SEEK YOUR ENDORSEMENT TO EXPAND OUR VIOLENT CRIME INITIATIVE NAMED SAFE STREETS AND OUR HEALTH CARE FRAUD STRATEGY, AND WE WILL EXPLORE TOGETHER THE OPPORTUNITIES FOR THE FBI TO PLAY A CENTRAL ROLE IN INTERNATIONAL POLICE TRAINING.

(BUDGET MATTERS)

COMBINED WITH YOUR KNOWLEDGE OF OUR OPERATIONAL NEEDS AND LAW ENFORCEMENT SUPPORT FUNCTIONS, AND UPON YOUR CLOSE REVIEW OF THIS YEAR'S BUDGET REQUEST TO CONGRESS, I HOPE YOU WILL FULLY SUPPORT THE FBI'S FUNDING REQUEST FOR FY 1993.

FOR FY 1993, WE ARE REQUESTING A TOTAL OF \$2,039,683,000 IN FUNDING AND 22,245 PERMANENT POSITIONS FOR THE FBI'S SALARIES AND EXPENSES APPROPRIATION. THIS PROVIDES FOR

PROGRAM INCREASES OF \$130,099,000 IN FUNDING AND 360 POSITIONS ABOVE THE BASE LEVEL. THIS REQUEST PROPOSES A NET INCREASE FOR THE FBI OF \$216,621,000 AND 365 POSITIONS ABOVE THE 1992 FUNDING LEVEL.

OVER AND ABOVE THE SALARIES AND EXPENSES APPROPRIATION REQUEST, WE ARE SEEKING \$23,030,000 AS AN ADVANCE APPROPRIATION FROM THE CAPITAL SURPLUS OF DEPARTMENT OF JUSTICE'S ASSETS FORFEITURE FUND.

THIS BUDGET REQUEST REFLECTS A STRONG COMMITMENT TO DEDICATING THE FBI'S RESOURCES TO OUR PRIORITY CRIMINAL INVESTIGATIVE, COUNTERINTELLIGENCE, AND LAW ENFORCEMENT SUPPORT MISSIONS. FUNDING INCREASES ARE PRIMARILY DEVOTED TO THE FINGERPRINT IDENTIFICATION, WHITE-COLLAR CRIME, TECHNICAL FIELD SUPPORT AND EQUIPMENT, DRUGS, AND VIOLENT CRIMES AND MAJOR OFFENDERS PROGRAMS.

WORLD POLITICAL CHANGES HAVE CAUSED THE FBI TO SCRUTINIZE THE ALLOCATION OF RESOURCES BETWEEN ITS COUNTERINTELLIGENCE AND CRIMINAL INVESTIGATIVE PROGRAMS WITHIN THE ADMINISTRATION OF BUDGET FUNCTION. THIS SCRUTINY LED TO THE TRANSFER OF \$80,000,000 IN FUNDING AND 583 PERMANENT POSITIONS WITHIN A NEW SPECIAL PROGRAM APPROPRIATION ACCOUNT RELATED TO NATIONAL SECURITY MATTERS. DURING 1992, WE PROPOSED A REPROGRAMMING FROM THE FOREIGN COUNTERINTELLIGENCE AND COUNTERTERRORISM PROGRAMS TO THE VIOLENT CRIMES AND MAJOR OFFENDERS PROGRAM (VCMOP) AND WHITE-COLLAR CRIME PROGRAM, TO BE AUGMENTED IN 1993, BRINGING THE TOTAL AMOUNT TO BE REPROGRAMMED

IN THESE AREAS TO \$54,714,000 IN FUNDING AND 710 POSITIONS. REPROGRAMMED RESOURCES ARE DESIGNATED FOR THE SAFE STREETS AND HEALTH CARE FRAUD INITIATIVES.

(INVESTIGATIVE PROGRAMS AND ACCOMPLISHMENTS)

(VIOLENT CRIMES AND MAJOR OFFENDERS PROGRAM (VCMOP))

IN JUNE 1989, THE VCMOP WAS CREATED BY CONSOLIDATING THE VIOLENT CRIMES, FUGITIVE, GOVERNMENT RESERVATION CRIMES, AND INTERSTATE THEFT PROGRAMS INTO ONE PRIORITY PROGRAM. IN JANUARY 1992, I, ALONG WITH THE ATTORNEY GENERAL, AUTHORIZED THE REPROGRAMMING OF 300 SPECIAL AGENTS (SAS) FROM THE FOREIGN COUNTERINTELLIGENCE PROGRAM TO THE VCMOP. THIS REPROGRAMMING IS INTENDED TO COMBAT THE ESCALATING VIOLENT CRIME PROBLEMS IN THE UNITED STATES. THE VCMOP IS RESPONSIBLE FOR THIS INITIATIVE, NAMED SAFE STREETS, WHICH WILL INCORPORATE MULTI-AGENCY TASK FORCES AND OTHER INNOVATIVE TECHNIQUES GEARED TO REDUCE VIOLENT CRIME IN THE UNITED STATES. BECAUSE STREET GANGS AND OTHER LOOSELY KNIT GROUPS ARE RESPONSIBLE FOR A SUBSTANTIAL PORTION OF THIS INCREASE, AND EXPANDING ON SAFE STREETS, THE FBI HAS UNDERTAKEN A MAJOR ANTI-GANG INITIATIVE WHICH WILL COMBAT THE SINISTER PROBLEMS PRESENTED BY STREET GANGS AND WHICH AUTHORIZES THE USE OF ALL ITS INVESTIGATIVE PROGRAMS.

THE VCMOP IS COMPRISED OF FOUR SEPARATE CATEGORIES OF INVESTIGATIONS: VIOLENT CRIMES, INTERSTATE THEFT, FUGITIVE INVESTIGATIONS, AND GOVERNMENT RESERVATION CRIMES.

(VIOLENT CRIMES)

THE PRIMARY MISSION OF THE VIOLENT CRIMES SUBPROGRAM IS TO PRESERVE LIFE THROUGH THE EFFECTIVE INVESTIGATION OF CRIMES OF VIOLENCE. THE CRIMES THAT FALL WITHIN THE PURVIEW OF THIS PROGRAM ARE KIDNAPPING; THREATS, ASSAULTS, KIDNAPPING AND ASSASSINATION OF THE PRESIDENT, VICE PRESIDENT, EXECUTIVE DEPARTMENT HEADS, SUPREME COURT JUSTICES, MEMBERS OF CONGRESS, THE FEDERAL JUDICIARY, OTHER DESIGNATED FEDERAL OFFICIALS, THEIR FAMILIES AND FEDERAL LAW ENFORCEMENT OFFICERS; BANK ROBBERY; CRIMES ABOARD AIRCRAFT; EXTORTIONS; THE SEXUAL EXPLQITATION OF CHILDREN; AND OTHER ACTS OF VIOLENCE AGAINST INDIVIDUALS.

CRIMES OF VIOLENCE HAVE A SEVERE IMPACT ON VICTIMS, THE FAMILIES OF THE VICTIMS, AND THE COMMUNITY IN WHICH THESE ACTS OCCUR. THE POTENTIAL FOR A SIGNIFICANT FINANCIAL LOSS IS OFTENTIMES PRESENT.

FOR THESE REASONS THE VIOLENT CRIMES SUBPROGRAM WAS NAMED A PRIORITY CRIMINAL PROGRAM IN 1989. CRIMES OF VIOLENCE CROSS ALL OF THE FBI'S PROGRAM LINES BECAUSE THEY CONSTITUTE SUCH A MAJOR CONCERN TO THE CITIZENS OF THIS COUNTRY. ATTACHING PRIORITY STATUS TO THESE CRIMES ENSURES THAT AMPLE RESOURCES AND SERVICES ARE DIRECTED TOWARDS THESE INVESTIGATIONS.

LAST YEAR WE SUCCESSFULLY CONCLUDED OUR INVESTIGATION OF THE DECEMBER 1989, MAILBOMB MURDERS OF JUDGE ROBERT VANCE AND ATTORNEY ROBERT ROBINSON, ACTS OF VIOLENCE WHICH TRIGGERED ONE OF THE MOST INTENSIVE INVESTIGATIONS IN THE HISTORY OF THE FBI. OUR EXHAUSTIVE AND THOROUGH INVESTIGATION RESULTED IN LAST YEAR'S CONVICTION OF WALTER LEROY MOODY, JR.

IN FY 1991, OUR EFFORTS RESULTED IN THE SAFE RECOVERY OF 101 HOSTAGES OF WHOM 84 WERE KIDNAPPING VICTIMS, 2,195 ARRESTS, 2,834 INDICTMENTS AND INFORMATIONS, AND 2,172 CONVICTIONS. ADDITIONALLY, FBI INVESTIGATIONS UNDER THE VIOLENT CRIMES SUBPROGRAM SIGNIFICANTLY CONTRIBUTED TO THE CONVICTION OF 772 INDIVIDUALS IN LOCAL OR STATE COURTS.

(INTERSTATE THEFT)

PROPERTY CRIME IN THE UNITED STATES (U.S.) AFFECTS EVERY CITIZEN DIRECTLY OR INDIRECTLY THROUGH INCREASED COSTS OF DOING BUSINESS OR INCREASED INSURANCE RATES. THE FBI'S INTERSTATE THEFT SUBPROGRAM COORDINATES FBI INVESTIGATIONS INVOLVING PROPERTY CRIME, ACCOUNTING FOR 88 PERCENT OF ALL REPORTED CRIME IN THE UNITED STATES ACCORDING TO THE UNIFORM CRIME REPORTS.

THIS SUBPROGRAM FOCUSES ON ORGANIZED CRIMINAL ACTIVITIES INVOLVING THEFT OR PROPERTY DESTRUCTION IN THE UNITED STATES OR ABROAD. OUR INVESTIGATIONS FREQUENTLY CROSS INVESTIGATIVE PROGRAM LINES WHEN LINKS ARE DEVELOPED TO ORGANIZED

CRIME, NARCOTICS TRAFFICKING, WHITE-COLLAR CRIME, OR POLITICAL CORRUPTION MATTERS.

FREQUENTLY, THESE INVESTIGATIONS MAY JOIN THE RESOURCES OF BOTH THE FBI AND LOCAL POLICE DEPARTMENTS, AND THESE ASSOCIATIONS HAVE RESULTED IN THE FORMATION OF TASK FORCES THROUGHOUT THE UNITED STATES DESIGNED TO COMBAT THE INCREASING INCIDENTS OF PROPERTY CRIME. IN AN EFFORT TO IDENTIFY AND PROSECUTE THOSE INDIVIDUALS WHO EARN THEIR LIVELIHOOD FROM THE THEFT AND RESALE OF STOLEN PROPERTY, WE FREQUENTLY UTILIZE SHORT TERM UNDERCOVER OPERATIONS (UCOS). THESE OPERATIONS HAVE PROVEN TO BE MORE EFFECTIVE IN COMBATING PROPERTY CRIME THAN TRADITIONAL REACTIVE INVESTIGATIONS. THIS SUBPROGRAM IS ALSO RESPONSIBLE FOR INVESTIGATING CRIMES ON THE HIGH SEAS AND MATTERS INVOLVING THE THREAT OR ACTUAL DESTRUCTION OF MOTOR VEHICLES OR AIRCRAFT.

DURING FY 1991, THE INTERSTATE THEFT SUBPROGRAM RECORDED 988 CONVICTIONS, 751 ARRESTS, 66 SUBJECTS LOCATED, 283 PERSONS CONVICTED IN STATE AND LOCAL COURTS, \$388,670,709 IN RECOVERED STOLEN PROPERTY (100% INCREASE OVER FY 1990), \$3,106,836 IN FINES ASSESSED (50% INCREASE OVER FY 1990), AND \$23,904,978 IN POTENTIAL ECONOMIC LOSSES PREVENTED.

(FUGITIVE INVESTIGATIONS)

THE FBI IS CURRENTLY THE LEAD AGENCY IN THE FORMATION OF PERMANENT JOINT FEDERAL, STATE, AND LOCAL LAW ENFORCEMENT TASK FORCES TO IDENTIFY, LOCATE AND APPREHEND VIOLENT CRIMINAL

OFFENDERS. CURRENTLY THERE ARE 24 OPERATIONAL TASK FORCES WITH MANY OTHERS PLANNED.

THE FUGITIVE SUBPROGRAM ENCOMPASSES OUR INVESTIGATIVE EFFORTS TO LOCATE AND APPREHEND SUBJECTS OF FBI INVESTIGATIONS WHO ARE IN FUGITIVE STATUS, AND OUR EFFORTS TO APPREHEND THE MOST VIOLENT AND HIGHLY SOUGHT-AFTER STATE AND LOCAL FUGITIVES WHO ARE BELIEVED TO HAVE FLED ACROSS STATE LINES TO AVOID PROSECUTION. OF THE 12,668 ARRESTS MADE BY THE FBI DURING FY 1991, 4,696 WERE FOR UNLAWFUL FLIGHT. ADDITIONALLY, FBI INVESTIGATIVE EFFORTS SUCCEEDED IN LOCATING AN ADDITIONAL 1,261 FUGITIVES. PARENTAL KIDNAPPING VIOLATIONS, OR THE UNLAWFUL ABDUCTION OF CHILDREN BY THEIR NATURAL PARENTS IN DEFIANCE OF JUDICIAL CUSTODIAL DETERMINATIONS, ARE ALSO ENCOMPASSED UNDER THIS EFFORT.

(GOVERNMENT RESERVATION CRIMES)

THE MISSION OF THE GOVERNMENT RESERVATION CRIMES SUBPROGRAM IS TO INVESTIGATE EITHER THE THEFT OR DESTRUCTION OF U.S. GOVERNMENT PROPERTY OR THE CRIMES COMMITTED AGAINST PERSONS OR PROPERTY ON U.S. GOVERNMENT RESERVATIONS, INSTALLATIONS OR OTHER FACILITIES. EXAMPLES OF THESE FACILITIES INCLUDE OVER 400 MAJOR DEPARTMENT OF DEFENSE INSTALLATIONS, NUMEROUS CIVILIAN AGENCY BUILDING AND FACILITIES, THE NATION'S PARKS AND RECREATIONS PRESERVES, OVER 250 INDIAN RESERVATIONS AND APPROXIMATELY 70 FEDERAL PENITENTIARIES/CORRECTIONAL FACILITIES.

AN INDICATOR OF THE FBI'S RESPONSIVENESS TO THESE CRIMES CAN BE READILY SEEN IN THE RECENT PRISON UPRISING AT THE FEDERAL CORRECTIONAL INSTITUTION AT TALLADEGA, ALABAMA, BY 121 CUBAN DETAINEES AWAITING REPATRIATION TO CUBA. THE FBI UTILIZED ITS HIGHLY TRAINED HOSTAGE RESCUE TEAM TO SUCCESSFULLY RESCUE -- UNHARMED -- THE TEN FEDERAL HOSTAGES BEING HELD BY THE DETAINEES AND TO RETURN CONTROL OF THE FACILITY TO THE FEDERAL BUREAU OF PRISONS.

DURING FY 1991, THIS PROGRAM RECORDED 1,072 CONVICTIONS AND PRETRIAL DIVERSIONS, ALMOST \$4,000,000 IN RECOVERIES, AND OVER \$5,000,000 IN POTENTIAL ECONOMIC LOSSES PREVENTED.

(WHITE-COLLAR CRIME)

THE WHITE-COLLAR CRIME PROGRAM ENCOMPASSES INVESTIGATIONS OF FINANCIAL INSTITUTION FRAUD, GOVERNMENT FRAUD, PUBLIC CORRUPTION, AND ECONOMIC CRIMES AND IS THE LARGEST OF THE FBI'S PROGRAMS.

THE SUCCESSES OF THIS PROGRAM ARE EVIDENT IN BOTH THE QUANTITY AND QUALITY OF STATISTICAL ACCOMPLISHMENTS ACHIEVED, THE COMPLEXITY OF CRIMINAL PROBLEMS ADDRESSED, THE INCREASED NUMBER OF HIGH-IMPACT INVESTIGATIONS OF NATIONAL SIGNIFICANCE, AND THE EFFECTIVE UTILIZATION OF SEIZURES AND FORFEITURES.

DURING FY 1991, THIS PROGRAM UTILIZED APPROXIMATELY 24% OF THE FBI'S RESOURCES AND ACHIEVED 37% OF TOTAL CONVICTIONS AND PRETRIAL DIVERSIONS. OVERALL ACCOMPLISHMENTS INCLUDE 4,894

CONVICTIONS AND PRETRIAL DIVERSIONS, \$71,500,000 IN FINES IMPOSED, \$1.2 BILLION IN RECOVERIES/RESTITUTIONS, AND \$1.3 BILLION IN POTENTIAL ECONOMIC LOSSES PREVENTED. DURING THIS PERIOD, 632 SEIZURES VALUED AT \$51,600,000 AND 284 FORFEITURES VALUED AT \$31,300,000 WERE RECORDED IN THIS PROGRAM. AT THE END OF FY 1991, 791 FORFEITURES VALUED AT \$537,400,000 WERE PENDING IN WHITE-COLLAR CRIME MATTERS.

(FINANCIAL INSTITUTION FRAUD (FIF))

THE FBI HAD 733 FAILED FINANCIAL INSTITUTIONS UNDER INVESTIGATION AT THE END OF FY 1991; 315 WERE BANKS, 391 WERE SAVINGS AND LOANS, AND 27 WERE CREDIT UNIONS. THE FBI HAD A TOTAL INVENTORY OF 8,678 FINANCIAL INSTITUTION FRAUD CASES AT THE END OF FY 1991. OF THESE 4,336, OR APPROXIMATELY 50%, WERE MAJOR CASES WITH LOSSES OR EXPOSURE IN EXCESS OF \$100,000. IN FY 1991, THE FBI RECOVERED \$56,351,965 AND REPORTED \$11,619,223 IN SEIZURES AND \$835,965 IN FORFEITURES. AT THE END OF FY 1991, THE FBI HAD 741 AGENTS DEDICATED TO THESE INVESTIGATIONS AND, AS OF DECEMBER 1991, THIS NUMBER HAD INCREASED TO 874. THIS FIGURE EXCEEDS THE 854 AGENTS WHICH REPRESENTS THE FULL UTILIZATION OF ALL AGENTS PREVIOUSLY DEDICATED TO THESE INVESTIGATIONS BY THE FBI, AS WELL AS THE NEW AGENTS SPECIFICALLY FUNDED BY CONGRESS FOR THESE INVESTIGATIONS.

LET ME BRIEFLY SAY A FEW WORDS ABOUT OUR FINANCIAL INSTITUTIONS' ENFORCEMENT ACTIVITY, AN AREA OF UTMOST IMPORTANCE

TO THE FBI. INCREASING FRAUD, INSIDER ABUSE, AND MISCONDUCT IN FINANCIAL INSTITUTIONS THROUGHOUT THE COUNTRY HAVE BEEN AND WILL CONTINUE TO BE A MAJOR TOPIC UNDER SCRUTINY BY THIS CONGRESS. I BELIEVE OUR EFFORTS TO DATE TO CURB THE EPIDEMIC PROPORTION OF FINANCIAL INSTITUTION FRAUD IN THIS COUNTRY HAVE MET WITH MEASURABLE SUCCESS. IN FY 1991, THE FBI OBTAINED 2,559 CONVICTIONS IN FINANCIAL INSTITUTION FRAUD MATTERS, WHICH WAS A SLIGHT INCREASE OVER 1990. OF THESE, 986, OR 39%, WERE MAJOR CONVICTIONS WHICH INVOLVED FRAUD OVER \$100,000 AND INCLUDED FINANCIAL INSTITUTION FAILURE INVESTIGATIONS. THE DALLAS BANK FRAUD TASK FORCE, FOR EXAMPLE, CONTINUES TO RECEIVE MUCH DESERVED ATTENTION. I CONSIDER IT A POSITIVE SIGN OF SUCCESS THAT, IN THE LITTLE OVER FOUR YEARS OF ITS EXISTENCE, THIS TASK FORCE HAS FILED CRIMINAL CHARGES AGAINST 149 INDIVIDUALS, 109 OF WHOM HAVE BEEN CONVICTED. MANY OF THOSE CHARGED AND CONVICTED HAVE HELD OWNERSHIP OR EXECUTIVE POSITIONS IN THESE INSTITUTIONS. IN MY VIEW THIS IS AN EXCELLENT ILLUSTRATION OF A COOPERATIVE VENTURE BETWEEN THE DEPARTMENT OF JUSTICE, THE UNITED STATES ATTORNEY'S OFFICE IN DALLAS, THE INTERNAL REVENUE SERVICE, THE OFFICE OF THRIFT SUPERVISION, THE UNITED STATES SECRET SERVICE, AND, OF COURSE, THE FBI.

(GOVERNMENT FRAUD)

DURING FY 1991, THE GOVERNMENT FRAUD SUBPROGRAM CAN REPORT THAT 12 ADDITIONAL INDIVIDUALS AND TWO CORPORATIONS WERE

CONVICTED IN THE FBI'S ONGOING ILLWIND INVESTIGATION. THESE INCLUDED CONVICTIONS OF A FORMER ASSISTANT SECRETARY OF THE NAVY AND THE UNISYS CORPORATION WHICH AGREED TO PAY FINES, PENALTIES AND COST OF \$186,000,000.

DURING THE PAST YEAR THE EXXON SHIPPING COMPANY AND THE EXXON CORPORATION PLEAD GUILTY TO FELONY AND MISDEMEANOR VIOLATIONS OF ENVIRONMENTAL LAWS AND AGREED TO PAY \$900,000,000 IN CIVIL PENALTIES, \$25,000,000 IN CRIMINAL FINES, AND \$100,000,000 IN RESTITUTION. RECENTLY, U.W. SUGAR CORPORATION AGREED TO PLEAD GUILTY TO FELONY VIOLATIONS OF THE RESOURCE CONSERVATION AND RECOVERY ACT AND TO PAY A CRIMINAL FINE OF \$3,750,000, AFTER ADMITTING TO THE ILLEGAL STORAGE AND DUMPING OF HAZARDOUS WASTE WHICH AFFECTED U.S. WATERWAYS AND POTABLE DRINKING SUPPLIES IN TWO FLORIDA COUNTIES.

THE FBI IS AGGRESSIVELY PURSUING A NATIONAL HEALTH CARE FRAUD INITIATIVE. IT IS NOTED THAT HEALTH CARE COSTS WERE APPROXIMATELY \$738 BILLION IN 1991. I RECENTLY APPROVED THE REPROGRAMMING OF 50 SPECIAL AGENTS FROM FOREIGN COUNTERINTELLIGENCE AND DOMESTIC TERRORISM TO SUPPLEMENT THE 94 AGENTS ALREADY WORKING HEALTH CARE FRAUD AND I ALSO APPROVED THE CREATION OF A HEALTH CARE FRAUD UNIT AT FBI HEADQUARTERS WHICH WILL DEVELOP, COORDINATE, AND MANAGE THIS INITIATIVE.

## (ECONOMIC CRIMES)

RESPONDING TO THE GROWING NUMBER OF INSURANCE COMPANY INSOLVENCIES FACING THE NATION, WE HAVE INTENSIFIED OUR EFFORTS TO INVESTIGATE THOSE INSOLVENCIES IN WHICH CRIMINAL ACTIVITY IS INDICATED. IN THE AREA OF COMPUTER CRIMES, THE FBI HAS ENHANCED ITS EFFORTS TO INVESTIGATE ILLEGAL, AND POTENTIALLY CRIPPLING, INTRUSIONS INTO NETWORK SYSTEMS. I BELIEVE LAW ENFORCEMENT MUST PREPARE ITSELF TO ADDRESS EVEN GREATER NUMBERS OF COMPUTER CRIMES WHICH COULD PROVE DEVASTATING TO THEIR PRIMARILY GOVERNMENT AND BUSINESS VICTIMS. DESPITE OUR INCREASING EMPHASIS IN THIS AREA, THESE INVESTIGATIONS WILL NOT BE CARRIED OUT AT THE EXPENSE OF THE PERSONAL LIBERTIES OF THE VAST MAJORITY OF COMPUTER USERS WHO OPERATE WITHIN THE LAW.

## (PUBLIC CORRUPTION)

DURING FY 1991, THE FBI EXPERIENCED A SIGNIFICANT INCREASE IN THE NUMBER OF LAW ENFORCEMENT, DRUG-RELATED CORRUPTION INVESTIGATIONS. THIS INCREASE CAN BE PRIMARILY TRACED TO A NEW INITIATIVE DEVELOPED BY THE PUBLIC CORRUPTION UNIT AT FBI HEADQUARTERS TO ADDRESS A SIGNIFICANT CORRUPTION CRIME PROBLEM WHICH HAD DEVELOPED ALONG THE SOUTHWESTERN UNITED STATES BORDER. IN THAT INITIATIVE, 14 ADDITIONAL AGENTS WERE REALLOCATED TO FBI OFFICES ALONG THAT BORDER TO ADDRESS LAW ENFORCEMENT CORRUPTION MATTERS, AND, AS A RESULT, WE EXPERIENCED

A 138% INCREASE, FROM 13 TO 31, IN THE NUMBER OF LAW ENFORCEMENT CORRUPTION INVESTIGATIONS IN THOSE OFFICES.

OTHER SPECIFIC PUBLIC CORRUPTION SUCCESSES INCLUDE THE FOLLOWING: THE INDICTMENT AND CONVICTION OF UNITED STATES DISTRICT COURT JUDGE ROBERT F. COLLINS AND OTHERS IN NEW ORLEANS, LOUISIANA, ON CHARGES OF CONSPIRACY, BRIBERY AND OBSTRUCTION OF JUSTICE; OPERATION "BACKBONE" IN DETROIT, MICHIGAN, IN WHICH 14 POLICE OFFICERS HAVE BEEN INDICTED FOR FURNISHING PROTECTION FOR A MAJOR NARCOTICS TRAFFICKING ORGANIZATION; AND, OPERATION "LOST TRUST" IN COLUMBIA, SOUTH CAROLINA, WHICH NOT ONLY RESULTED IN THE INDICTMENT AND CONVICTION OF MORE THAN 25 PERSONS, INCLUDING 16 STATE LEGISLATORS, BUT ALSO LED TO NEW ETHICS LEGISLATION BEING ADOPTED IN SOUTH CAROLINA.

(ORGANIZED CRIME)

THE FBI'S ORGANIZED CRIME PROGRAM CONTINUES TO COUNTER THE CRIMINAL ACTIVITIES OF LA COSA NOSTRA (LCN), ASIAN ORGANIZED CRIME (CHINESE TRIADS AND CRIMINALLY INFLUENCED TONGS, JAPANESE BORYOKUDAN OR YAKUZA, AND SUBORDINATE CHINESE AND VIETNAMESE STREET GANGS), ITALIAN ORGANIZED CRIME (SICILIAN MAFIA, CAMORRA, AND 'NDRANGHETA) AND OTHER SIGNIFICANT ORGANIZED CRIMINAL ENTERPRISES. THE FBI'S ENTERPRISE THEORY OF INVESTIGATION, WITH PROSECUTIONS UNDER BOTH CIVIL AND CRIMINAL PROVISIONS OF THE RACKETEERING INFLUENCED AND CORRUPT ORGANIZATIONS (RICO) STATUTE, HAS PROVEN TO BE EXTREMELY EFFECTIVE. THE ORGANIZED CRIME-

NATIONAL STRATEGY (OCNS), WHICH IS BASED ON CAREFUL ANALYSIS AND APPLICATION OF THE LAW, HAS ENABLED THE FBI TO HAVE A PROFOUND EFFECT UPON THESE CRIMINAL ENTERPRISES WHILE MINIMIZING THE RESOURCES WHICH ARE REQUIRED.

IN FY 1991, THIS STRATEGY RESULTED IN 38 INDICTMENTS AND 17 CONVICTIONS OF MEMBERS OF THE LCN, INCLUDING 2 BOSSES AND 4 CAPODECINAS. A TOTAL OF 511 CONVICTIONS WERE OBTAINED AND 530 INDICTMENTS WERE FILED AGAINST MEMBERS AND ASSOCIATES OF LCN AND OTHER ORGANIZED CRIME GROUPS. IN ADDITION, 25 DEFENDANTS WERE CHARGED IN CIVIL COMPLAINTS FILED UNDER THE RICO STATUTE, AND 40 JUDGMENTS WERE OBTAINED AGAINST LCN MEMBERS, UNIONS, AND OTHERS. UNDER THE ASIAN ORGANIZED CRIME SUBPROGRAM, 14 INDICTMENTS AND 5 CONVICTIONS WERE REPORTED IN FY 1991. PROPERTY VALUED AT OVER \$17 MILLION WAS SEIZED UTILIZING THE FORFEITURE PROVISIONS OF RICO AND OTHER FEDERAL STATUTES.

INVESTIGATIONS IN THE PAST YEAR HAVE CAUSED SERIOUS DISRUPTION OF LCN ACTIVITIES IN ST. LOUIS, CHICAGO, NEW ENGLAND, AND NEW YORK CITY. ALTHOUGH WE HAVE DISRUPTED LCN ACTIVITIES IN CERTAIN AREAS, THE CONTINUED APPLICATION OF INVESTIGATIVE TECHNIQUES FOCUSED ON THE LCN IS NECESSARY IF WE ARE TO BE SUCCESSFUL IN ELIMINATING THE LCN AS A SIGNIFICANT THREAT TO AMERICAN SOCIETY BY THE YEAR 2000. WE CAN HAVE THIS CONTINUING IMPACT BY AGGRESSIVE IMPLEMENTATION OF OUR NATIONAL STRATEGY.

TO COUNTER THE DYNAMIC EMERGENCE OF ASIAN GROUPS ENGAGED IN ORGANIZED CRIMINAL ACTIVITY, AND TO CONTINUE OUR ORGANIZED CRIME NATIONAL STRATEGY, INCREASES IN FUNDING AND

POSITIONS FOR THIS PROGRAM HAVE BEEN REQUESTED TO RESPOND TO THE EMERGENCE OF ASIAN ORGANIZED CRIME AND THE CONTINUED APPLICATION OF THE CIVIL PROVISIONS OF THE RICO STATUTE.

(DRUG PROGRAM)

THROUGH THE NATIONAL DRUG STRATEGY, THE FBI TARGETS SIGNIFICANT DRUG TRAFFICKING ORGANIZATIONS THROUGH LONG-TERM, SUSTAINED INVESTIGATIONS WHICH ARE AIMED AT DISMANTLING THEIR ORGANIZATIONAL STRUCTURES. RATHER THAN FOCUSING ON INDIVIDUALS, WE FOCUS OUR RESOURCES ON THOSE GROUPS WHICH CONTROL SIGNIFICANT SEGMENTS OF ILLEGAL DRUG IMPORTATION AND DISTRIBUTION MARKETS.

AN EXAMPLE OF A HIGHLY SUCCESSFUL DRUG MATTER IS THE "HORSE COLLAR" PROJECT. THIS IS AN ONGOING, MULTIPHASE UNDERCOVER OPERATION TARGETING MAJOR HEROIN/COCAINE TRAFFICKING ORGANIZATIONS BASED IN THE NEW YORK CITY METROPOLITAN AREA. THE PROJECT IS AN ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCE (OCDEF) INVESTIGATION WORKED IN CONJUNCTION WITH THE NEW YORK CITY POLICE DEPARTMENT AND THE IMMIGRATION AND NATURALIZATION SERVICE. THE "HORSE COLLAR" PROJECT ADDRESSES THREE TO SIX DRUG TRAFFICKING ORGANIZATIONS SIMULTANEOUSLY, WITH INTENSIVE PERSONNEL COMMITMENTS AND EXTENSIVE RESOURCES UTILIZED FROM CASE INITIATION TO PROSECUTION. SINCE THE INCEPTION OF "HORSE COLLAR," THE INVESTIGATION IS CREDITED WITH OVER 200 ARRESTS FOR FEDERAL DRUG TRAFFICKING VIOLATIONS, 116 CONVICTIONS, THE SEIZURE OF OVER \$7,000,000 IN ASSETS, THE DISMANTLING OF 12 MAJOR DRUG

TRAFFICKING ORGANIZATIONS, AND THE IDENTIFICATION OF 25 OTHER ORGANIZATIONS. THESE ACCOMPLISHMENTS HAVE BEEN ACHIEVED THROUGH THE USE OF NUMEROUS INVESTIGATIVE TECHNIQUES WHICH INCLUDE: UNDERCOVER AGENTS AND POLICE OFFICERS; COOPERATING WITNESSES AND CONFIDENTIAL INFORMANTS; PHYSICAL SURVEILLANCES; TOLL RECORD ANALYSIS; PEN REGISTER COVERAGE; MAIL COVERS; FINANCIAL ANALYSIS; AND ELECTRONIC SURVEILLANCES.

IN FY 1991, FBI INVESTIGATIONS LED TO DRUG-RELATED INFORMATIONS AND INDICTMENTS BEING BROUGHT AGAINST 3,648 DEFENDANTS. IN ADDITION, 3,199 DRUG TRAFFICKERS WERE CONVICTED, 1,844 ASSETS VALUED AT \$98,288,256 WERE SEIZED, AND 1,303 ASSETS VALUED AT \$54,189,926 WERE FORFEITED.

TO ENSURE THE CONTINUATION OF THIS SUCCESSFUL EFFORT, THE FY 1993 BUDGET REQUESTS INCREASES IN FUNDING AND POSITIONS FOR THIS PROGRAM.

(OTHER INVESTIGATIVE PROGRAMS)

(CIVIL RIGHTS PROGRAM (CRP))

THE CIVIL RIGHTS PROGRAM ADDRESSES ATTEMPTED AND/OR ACTUAL ABRIDGEMENT OF RIGHTS BESTOWED ON UNITED STATES CITIZENS AND INHABITANTS BY THE CONSTITUTION AND FEDERAL STATUTES. THE PRIMARY OBJECTIVE OF THIS PROGRAM IS TO PROTECT THE RIGHTS OF AMERICANS THROUGH EXPEDITIOUS INVESTIGATIONS, THEREBY ENSURING EQUAL PROTECTION AND BENEFIT TO ALL. BOTH CIVIL AND CRIMINAL

MATTERS ARE INVESTIGATED IN CLOSE COORDINATION WITH THE DEPARTMENT OF JUSTICE.

ONE OF THE GOALS OF THIS PROGRAM IS TO EDUCATE AND TRAIN CRIMINAL JUSTICE PERSONNEL. WE HAVE DETERMINED THAT APPROXIMATELY 70 PERCENT OF ALL CIVIL RIGHTS INVESTIGATIONS INVOLVE ALLEGATIONS AGAINST LAW ENFORCEMENT AND CORRECTIONAL OFFICERS. THE FBI PROVIDES TRAINING TO ALL NEW FBI AGENTS AND TO OTHER FEDERAL, STATE, AND LOCAL CRIMINAL JUSTICE PERSONNEL THROUGHOUT THE COUNTRY THROUGH OUR FIELD POLICE TRAINING PROGRAM.

IN FY 1991, THIS PROGRAM RECORDED 138 CONVICTIONS, INCLUDING 115 FELONIES. DURING THAT TIME WE OPENED 5461 CIVIL RIGHTS CASES, WHICH REPRESENTED A 17% INCREASE OVER FY 1990. INCREASED PUBLIC AWARENESS OF THE FBI'S JURISDICTION AND RESPONSIBILITY TO INVESTIGATE ALLEGED VIOLATIONS OF CIVIL RIGHTS WILL CERTAINLY CAUSE OUR WORKLOAD TO CONTINUE TO INCREASE. SOME PROGRAM HIGHLIGHTS INCLUDE THE FOLLOWING: THE CONVICTIONS ON CIVIL RIGHTS VIOLATIONS OF FIVE UPPER DARBY, PENNSYLVANIA POLICE OFFICERS WHO HAD CONSPIRED TO ASSAULT AND ASSAULTED TWO INDIVIDUALS; THE CONVICTION OF 17 INDIVIDUALS ASSOCIATED WITH A TULSA, OKLAHOMA, RACIST SKINHEAD GROUP CHARGED WITH INTIMIDATING, THREATENING, AND ASSAULTING MINORITY INDIVIDUALS IN PUBLIC PARKS AND FACILITIES; THE INDICTMENT AND CONVICTION OF 14 INDIVIDUALS WHO ARE EITHER MEMBERS OF OR ASSOCIATED WITH THE INVISIBLE EMPIRE OF THE KNIGHTS KU KLUX KLAN (KKK) OF THE STATE OF LOUISIANA FOR THE BURNING OF NINE CROSSES IN AND AROUND SHREVEPORT, LOUISIANA IN MAY, 1991, DONE AT THE DIRECTION OF THE FORMER GRAND DRAGON OF

THE KKK FOR THE STATE OF LOUISIANA IN RETALIATION FOR HIS INCARCERATION ON UNRELATED FEDERAL CRIMINAL CHARGES; THE INDICTMENT AND CONVICTION OF SEVEN MEMBERS OF A PURPORTED CIVIC GROUP, ALLEGEDLY FOUNDED TO TRAIN GHETTO YOUTHS FOR THE OLYMPICS, ON CIVIL RIGHTS VIOLATIONS STEMMING FROM A CONSPIRACY TO HOLD THESE CHILDREN IN INVOLUNTARY SERVITUDE WHICH RESULTED IN THE BEATING OF NUMEROUS CHILDREN AND THE DEATH OF THE DAUGHTER OF THE LEADER OF THIS GROUP.

AN INDICATOR OF FBI RESPONSIVENESS TO CIVIL RIGHTS CASES IS DEMONSTRATED BY OUR TIMELY COMPLETION OF CIVIL RIGHTS INVESTIGATIONS. A REQUIRED 26 DAY TURNAROUND TIME FOR PRELIMINARY INVESTIGATIONS HAS CONSISTENTLY BEEN MET.

THE FBI IS FIRMLY COMMITTED TO THE VIGOROUS AND AGGRESSIVE ENFORCEMENT OF THE FEDERAL CIVIL RIGHTS STATUTES. CIVIL RIGHTS INVESTIGATIONS ARE EXTREMELY SENSITIVE, OFTEN VERY COMPLEX, AND CONSUME MASSIVE AMOUNTS OF TIME AND RESOURCES. I ASSURE YOU THAT THE FBI STANDS READY TO EXPEND WHATEVER RESOURCES ARE NECESSARY TO EFFECTIVELY AND AGGRESSIVELY INVESTIGATE ALL ALLEGATIONS OF VIOLATION OF FEDERAL CIVIL RIGHTS STATUTES.

(APPLICANT INVESTIGATIONS FOR OTHER AGENCIES)

THE FBI CONDUCTS BACKGROUND INVESTIGATIONS (BIS) FOR PRESIDENTIAL APPOINTEES AND WHITE HOUSE STAFF, STAFF OF THE VICE PRESIDENT, CONGRESS, DEPARTMENT OF JUSTICE, ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS, DEPARTMENT OF ENERGY, AND THE-

NUCLEAR REGULATORY COMMISSION. THESE INVESTIGATIONS GATHER INFORMATION UPON WHICH A CANDIDATE'S SUITABILITY FOR FEDERAL EMPLOYMENT AND/OR ACCESS TO CLASSIFIED INFORMATION IS DETERMINED.

THE MAJOR OBJECTIVES OF THE APPLICANT PROGRAM ARE TO ENSURE THAT INVESTIGATIONS ARE COMPLETED ON A TIMELY BASIS AND IN A THOROUGH, FAIR, AND IMPARTIAL MANNER. TO ACHIEVE THESE GOALS, THE FBI HAS UNDERTAKEN A REVIEW OF THE INVESTIGATIVE AND ADMINISTRATIVE PROCESSES INVOLVED IN THE BACKGROUND INVESTIGATION PROCESS TO ENSURE THE MOST EFFICIENT AND EFFECTIVE USE OF RESOURCES IS BEING MADE WITHOUT COMPROMISING QUALITY AND TIMELINESS TO OUR CLIENTS. BENEFICIAL CHANGES HAVE BEEN MADE, AND OTHERS ARE UNDER CONSIDERATION. IN FY 1991 THE FBI RECEIVED 122 REQUESTS FOR THESE INVESTIGATIONS FROM CONGRESS.

(COUNTERTERRORISM)

AS YOU KNOW, I RECENTLY DECIDED TO TRANSFER THE COUNTERTERRORISM SECTION FROM THE CRIMINAL INVESTIGATIVE DIVISION TO THE INTELLIGENCE DIVISION. THE DOMESTIC TERRORISM PROGRAM AND THE HOSTAGE RESCUE TEAM WILL REMAIN IN THE CRIMINAL INVESTIGATIVE DIVISION. THIS DECISION WAS MADE AFTER CAREFUL AND EXTENSIVE REVIEW AND THIS MANAGEMENT APPROACH WILL ALLOW FOR SIGNIFICANT ADVANTAGES, SUCH AS THE COMBINING OF PARALLEL INVESTIGATIVE PROGRAMS AND BETTER COORDINATION OF SINGULAR POLICY GUIDANCE AND ADMINISTRATIVE SUPPORT FOR PREVIOUSLY PARALLEL INVESTIGATIVE PROGRAMS.

THE FBI'S COUNTERTERRORISM INVESTIGATIONS SERVE BOTH INTELLIGENCE AND LAW ENFORCEMENT PURPOSES. AT ALL TIMES, WE MUST BE PREPARED TO ASSUME EITHER A PREVENTIVE OR REACTIVE POSTURE GIVEN ANY PARTICULAR SITUATION.

GIVEN A CHOICE, WE OBVIOUSLY PREFER AND SEEK TO PREVENT TERRORIST VIOLENCE. THE FIRST PHASE OF OUR APPROACH IS THROUGH A SIGNIFICANT INTELLIGENCE EFFORT, AIMED AT INFILTRATING VIOLENCE-PRONE GROUPS, WHICH HAS RESULTED IN THE DEVELOPMENT OF CONSIDERABLE DATA BASES. THE UNDERLYING GOAL OF THIS PAINSTAKING INTELLIGENCE EFFORT IS TO HEAD OFF SENSELESS VIOLENCE. TO THIS END, WE EMPLOY THE LAWFUL USE OF VARIOUS INVESTIGATIVE TECHNIQUES SUCH AS INFORMANTS, UNDERCOVER AGENTS, AND COURT-ORDERED ELECTRONIC INTERCEPTS. ADDITIONALLY, WE HAVE ONGOING AND CLOSE RELATIONSHIPS WITH OTHER LAW ENFORCEMENT AGENCIES AS WELL AS MEMBERS OF THE U.S. INTELLIGENCE COMMUNITY. LIAISON WITH FOREIGN SERVICES IS MAINTAINED THROUGH OUR REPRESENTATIVES ABROAD WHO SERVE AS LEGAL ATTACHES.

SINCE 1987, THE FBI AND OTHER LAW ENFORCEMENT AGENCIES HAVE SUCCESSFULLY PREVENTED 24 TERRORIST INCIDENTS, SAVING LIVES AND SPARING SIGNIFICANT PROPERTY.

THE SECOND PHASE OF OUR APPROACH INVOLVES THE TRADITIONAL LAW ENFORCEMENT ACTIVITY WHICH FOLLOWS AFTER A TERRORIST INCIDENT HAS OCCURRED. SWIFT AND EFFECTIVE INVESTIGATION -- CULMINATING IN ARREST, CONVICTION, AND INCARCERATION -- IS A POWERFUL DETERRENT. THESE INVESTIGATIONS INVOLVE THE IDENTIFICATION OF SUBJECTS AND GROUP LEADERS,

DEVELOPMENT OF ASSOCIATIONS, AND TRACING OF FINANCIAL AND SUPPORT STRUCTURES. WE FOCUS ON THE TOTAL TERRORIST NETWORK WITH THE OBJECTIVE OF GATHERING EVIDENCE NECESSARY FOR A PROSECUTION. WE HAVE FOUND THAT SUCCESS IN THIS AREA COMPLEMENTS OUR PREVENTATIVE EFFORTS. INCARCERATIONS OF ARYAN NATIONS AND ARMENIAN TERRORISTS BY THE FBI AND OTHER LAW ENFORCEMENT AGENCIES, FOR EXAMPLE, HAVE, AT LEAST IN PART, RESULTED IN A PRECIPITOUS DECLINE IN THE NUMBER OF INCIDENTS FROM THOSE QUARTERS, AND IN A GENERAL DECLINE IN THE NUMBER OF TERRORIST INCIDENTS COMMITTED IN THE UNITED STATES. IN 1990, THE FBI RECORDED SEVEN TERRORIST INCIDENTS. THE NUMBER DECLINED TO FIVE IN 1991. THUS FAR IN 1992, THERE HAVE BEEN NO CONFIRMED TERRORIST INCIDENTS COMMITTED IN THE UNITED STATES.

HOWEVER FAVORABLE, THIS TREND SHOULD NOT BE REGARDED AS A SIGNAL THAT ERADICATION OF VIOLENT TERRORIST ATTACKS IN THE UNITED STATES DOES NOT REMAIN A SERIOUS CONCERN. BECAUSE OF OUR NATIONS' OPEN BORDERS AND SOCIETY, AS WELL AS OUR OFFICIAL INVOLVEMENT IN THE GLOBAL POLITICAL ARENA, THE UNITED STATES IS CONSTANTLY VULNERABLE TO TERRORIST ATTACKS. MORE PROPERLY, THE REDUCTION IN TERRORIST INCIDENTS IN THIS COUNTRY CLOSELY CORRESPONDS TO THE FBI'S COMMITMENT OF RESOURCES, WHICH PERMIT US TO USE A RANGE OF EFFECTIVE COUNTERTERRORIST TECHNIQUES. ANY DETECTABLE RELAXATION IN OUR EFFORTS MAY RESULT IN AN ABRUPT REVERSAL OF WHAT HAS OTHERWISE BEEN A SUSTAINED DOWNTURN IN VIOLENT TERRORIST ACTIVITY.

THE PASSAGE OF EXTRATERRITORIAL LEGISLATION HAS ALSO AFFORDED THE UNITED STATES, THROUGH THE FBI, A LEGAL MECHANISM TO

INVESTIGATE AND, WHEN WARRANTED, TO SEEK THE PROSECUTION OF TERRORISTS WHO ATTACK U.S. NATIONALS ABROAD. THE FBI EXERCISES THIS JURISDICTION ONLY WITH HOST COUNTRY APPROVAL AND IN CLOSE COORDINATION WITH THE U.S. DEPARTMENT OF STATE. THESE CASES REQUIRE EXTENSIVE INTERAGENCY COORDINATION, RESOURCES, OVERSIGHT, AND OFTEN INVOLVE FORENSIC ASSISTANCE. FBI EXTRATERRITORIAL INVESTIGATIONS HAVE MET WITH CONSIDERABLE SUCCESS. NUMEROUS INDICTMENTS HAVE BEEN OBTAINED AGAINST INDIVIDUALS WHO HAVE COMMITTED SUCH ACTS, OTHERS HAVE BEEN ARRESTED AND TRIED ABROAD, AND YET OTHERS ARE CURRENTLY THE SUBJECT OF EXTRADITION REQUESTS. THE NOVEMBER 14, 1991, INDICTMENTS RETURNED FOR LIBYAN OPERATIVES ABDEL BASSET ALI AL-MEGRAHI AND LAMEN KHALIFA FHIMAH, AND THE JANUARY 8, 1992, CONVICTION OF PALESTINIAN TERRORIST MOHAMMAD SAID RASHID ARE TWO OF THE MORE NOTABLE INVESTIGATIONS IN WHICH U.S. EXTRATERRITORIAL JURISDICTION WAS ASSERTED.

AL-MEGRAHI AND FHIMAH WERE INDICTED BY BOTH SCOTTISH AND U.S. AUTHORITIES IN CONNECTION WITH THE 1988 BOMBING OF PAN AM FLIGHT 103. AMONG THE CHARGES LISTED IN THE INDICTMENT WERE DESTRUCTION OF CIVIL AIRCRAFT AND THE KILLING OF NATIONALS OF THE UNITED STATES DURING THE COMMISSION OF A TERRORIST INCIDENT. THE U.S. INDICTMENT ALLEGES THAT AL-MEGRAHI AND FHIMAH WERE EITHER EMPLOYED BY THE LIBYAN INTELLIGENCE SERVICE OR THAT THEY WERE UTILIZED BY THAT SERVICE TO CARRY OUT VARIOUS ACTIVITIES. THE INVESTIGATION TO IDENTIFY ADDITIONAL CO-CONSPIRATORS IS CONTINUING.

AT THE TRIAL OF RASHID THE FBI PROVIDED TESTIMONY RELATING TO HIS INVOLVEMENT IN THE 1982 BOMBING OF PAN AM FLIGHT 830 WHILE EN ROUTE FROM JAPAN TO HONOLULU, HAWAII. THIS MID-FLIGHT EXPLOSION KILLED A JAPANESE PASSENGER AND INJURED 15 OTHERS. RASHID WAS TRIED AND CONVICTED IN GREECE AND WAS SUBSEQUENTLY SENTENCED TO 18 YEARS IN PRISON. THAT SENTENCE IS UNDER APPEAL.

THE HOSTAGE RESCUE TEAM IS A VITAL ELEMENT OF THE FBI'S COUNTERTERRORISM PROGRAM. ESTABLISHED IN 1983, THE PURPOSE OF THE TEAM IS NOT ONLY TO PROVIDE FBI EXECUTIVE MANAGEMENT WITH THE RESOURCES TO TACTICALLY RESOLVE A CRISIS SITUATION, BUT ALSO TO PROVIDE A FLEXIBLE RESPONSE CAPABILITY TO ADDRESS OTHER SITUATIONS. PURSUANT TO THIS MISSION, THE TEAM HAS PERFORMED A MULTITUDE OF CRITICAL ASSIGNMENTS OVER THE YEARS, WHICH MOST NOTABLY INCLUDE THE AUGUST, 1991, RESCUE OF HOSTAGES AT THE FEDERAL PRISON IN TALLADEGA, ALABAMA.

ACCOMPLISHMENTS IN OUR COUNTERTERRORISM PROGRAM ARE NOTEWORTHY. SOME FOLLOW:

♦ ON JULY 25, 1991, AN INDIVIDUAL WAS INDICTED AND CHARGED WITH SEVEN INTERRELATED BOMBINGS/ATTEMPTED BOMBINGS OF INTERNAL REVENUE SERVICE FACILITIES IN THE LOS ANGELES AND FRESNO, CALIFORNIA, AREAS.

♦ ON MAY 4, 1991, THREE INDIVIDUALS WERE CONVICTED AND SENTENCED TO PRISON TERMS RANGING FROM FOUR TO TWENTY-FIVE YEARS IN EL SALVADOR ON CHARGES PERTAINING TO THE 1985 MACHINE GUN

ATTACK IN SAN SALVADOR KILLING FOUR U.S. MARINES, TWO U.S. CITIZENS, AND SIX OTHER INDIVIDUALS.

♦ ON OCTÓBER 11, 1991, FIVE MEMBERS OF THE BOLIVIA-BASED TERRORIST GROUP FUERZAS ARMADAS DE LIBERACION WERE SENTENCED TO TERMS RANGING FROM FIVE TO THIRTY YEARS IN PRISON FOR THEIR INVOLVEMENT IN THE 1988 ATTEMPTED MOTORCADE BOMBING OF FORMER SECRETARY OF STATE GEORGE SHULTZ.

THE FBI IS COMMITTED TO A PROGRAM OF INTENSIFIED INVESTIGATIVE ACTIVITY WHICH WILL CONTINUE TO SUCCESSFULLY COUNTER THE VIOLENT INTENTIONS OF TERRORIST ORGANIZATIONS DEPLOYED IN THE UNITED STATES. TO PREVENT ATTACKS, THE FBI MUST COLLECT INFORMATION DEVELOPED BY THE FBI AND OTHER INTELLIGENCE AND LAW ENFORCEMENT AGENCIES IN THIS COUNTRY AND ABROAD.

(FOREIGN COUNTERINTELLIGENCE (FCI))

THE WORLD CHANGES WE HAVE WITNESSED OVER THE PAST TWO YEARS HAVE BEEN DRAMATIC. WITH THE COLLAPSE OF SOVIET DOMINATION IN EASTERN EUROPE, THE DISSOLUTION OF THE COMMUNIST PARTY, AND THE END OF THE SOVIET UNION ITSELF, THE COLD WAR IS OVER. WE HAVE ENTERED A NEW ERA OF HOPE AND COOPERATION.

THREE YEARS AGO, WHO WOULD HAVE IMAGINED THAT THE FBI AND REPRESENTATIVES OF FORMER HOSTILE INTELLIGENCE SERVICES WOULD MEET AT FBI HEADQUARTERS AND IN THEIR OFFICES OVERSEAS TO DISCUSS COOPERATIVE EXCHANGES, BUT THIS DIALOGUE IS NOW OCCURRING. THESE ARE HISTORIC TIMES. HOWEVER, EVEN IN THIS ERA OF NEW

COOPERATION, WE MUST PROCEED CAUTIOUSLY. THE WORLD, AT LEAST FOR THE CURRENT TIME, REMAINS UNSTABLE. POLITICAL TRANSFORMATIONS CAN OCCUR SO RAPIDLY THAT KEEPING PACE WITH THE REPORTING OF EVENTS IS A CHALLENGE IN ITSELF.

THIS DECADE OF POLITICAL TRANSITIONS, ECONOMIC COMPETITION, AND INCREASED FOREIGN INTELLIGENCE ACCESS TO U.S. CITIZENS AND INSTITUTIONS, BOTH HERE AND ABROAD, WILL PRESENT NEW COMPLEXITIES FOR THE FBI'S FOREIGN COUNTERINTELLIGENCE (FCI) PROGRAM. IN THE COMING YEARS, WE WILL BE FACED WITH A BROADER RANGE OF EMERGING THREATS AS INTERNATIONAL RELATIONS PROMISE TO BE MORE COMPLICATED, POTENTIALLY VOLATILE, AND LESS PREDICTABLE.

IN RESPONSE TO WORLD-WIDE, SWEEPING POLITICAL REFORMS, WE DEVELOPED A STRATEGY TO ADDRESS OUR NATION'S FUTURE COUNTERINTELLIGENCE NEEDS -- THE NATIONAL SECURITY THREAT LIST (NSTL).

OUR FCI MISSION STATEMENT WAS REVISED TO MORE CLOSELY REFLECT OUR RECOGNITION OF ENORMOUS WORLD CHANGES, AND TO ALIGN IT WITH THE STRATEGIES OF THE NSTL. THE STRATEGY OF INVESTIGATIONS IS TO COLLECT, ANALYZE, AND EXPLOIT INFORMATION TO IDENTIFY AND NEUTRALIZE THE ACTIVITIES OF FOREIGN POWERS, AND THEIR AGENTS, WHICH ARE ADVERSELY AFFECTING U. S. NATIONAL SECURITY. THIS INCLUDES RESPONSIBILITY FOR THE SUPERVISION OF ESPIONAGE INVESTIGATIONS IN U.S. DIPLOMATIC ESTABLISHMENTS WORLDWIDE.

OUR STRATEGIES HAVE ALSO BEEN MODIFIED. THE MOST SIGNIFICANT CHANGE UNDER NSTL IS THAT WE NOW HAVE A MECHANISM FOR

NEUTRALIZING INTELLIGENCE ACTIVITY CONDUCTED BY ANY FOREIGN POWER TARGETING KEY U.S. NATIONAL SECURITY ISSUES. INVESTIGATIONS OF NON-TRADITIONAL ADVERSARIES WILL FOCUS ON SPECIFIC INTELLIGENCE ACTIVITY OR A PARTICULAR ISSUE THREAT WHICH HAS BEEN IDENTIFIED.

THE NSTL CONCEPT, WHICH WAS APPROVED BY THE ATTORNEY GENERAL ON FEBRUARY 1, 1992, FOCUSES ON INTELLIGENCE ACTIVITIES THAT THREATEN U.S. NATIONAL SECURITY. ALTHOUGH A LIMITED NUMBER OF COUNTRIES CONTINUE TO MERIT A FULL-SCALE PROACTIVE COUNTERINTELLIGENCE EFFORT, BASED IN PART ON A CONTINUAL, AND IN SOME CASES ENHANCED, COVERT INTELLIGENCE PRESENCE AND ACTIVITY IN THE UNITED STATES, IT IS THE TARGET OF THE ACTIVITY THAT NOW DEMANDS A COUNTERINTELLIGENCE RESPONSE, REGARDLESS OF WHICH COUNTRY OR ENTITY INITIATES THE ACTIVITY.

OF PARTICULAR CONCERN ARE THOSE COUNTRIES OR ENTITIES ENGAGED IN THE FOLLOWING: THE COLLECTION OF INFORMATION RELATED TO THE NATIONAL SECURITY ISSUES OF CHEMICAL, BIOLOGICAL AND NUCLEAR WEAPONS PROLIFERATION, AND THE METHODS ASSOCIATED WITH THEIR DELIVERY; U.S. CORE AND/OR MILITARY TECHNOLOGIES; AND U.S. INTELLIGENCE AND FOREIGN AFFAIRS INFORMATION.

SPECIAL WEAPONS PROLIFERATION (SWP) IS A HIGH PRIORITY FOR THE EXECUTIVE BRANCH OF THE GOVERNMENT, INCLUDING THE INTELLIGENCE COMMUNITY.—ADDITIONALLY, IN THE WAKE OF OPERATION DESERT STORM, THERE HAVE BEEN GROWING CONCERNS ABOUT THE SWP CAPABILITIES OF VARIOUS COUNTRIES. THIS PROCESS HAS HIGHLIGHTED THE GROWING THREAT FROM THIRD WORLD COUNTRIES THAT POSSESS, SEEK

TO POSSESS, OR ARE INVOLVED IN PROLIFERATING WEAPONS OF MASS DESTRUCTION.

WE RECOGNIZE THAT THE FOREIGN INTELLIGENCE THREAT IS NOT LIMITED TO THOSE FOREIGN POWERS WHICH ARE, OR HAVE HISTORICALLY BEEN, POLITICALLY OR MILITARILY ANTAGONISTIC TO U.S. NATIONAL OBJECTIVES. OTHER COUNTRIES ARE TARGETING THEIR SECURITY SERVICES AGAINST OUR CITIZENS AND FACILITIES, AND ARE CONDUCTING OPERATIONS BEYOND PURELY DEFENSIVE PROGRAMS. IN TODAY'S WORLD, FOREIGN POWERS ARE LOOKING HARDER AT U.S. ECONOMICS, TECHNOLOGY, AND PROPRIETARY NATIONAL DEFENSE INFORMATION.

WE ANTICIPATE THAT SOME FOREIGN INTELLIGENCE SERVICES WILL CONTINUE TO CONDUCT INTELLIGENCE ACTIVITIES THAT THEY DEEM NECESSARY FOR THE ADVANCEMENT OF THEIR OWN MODERNIZATION EFFORTS.

IN OCTOBER 1991, YEVGENIY PRIMAKOV, DIRECTOR OF THE KGB FIRST CHIEF DIRECTORATE (FCD), NOW KNOWN AS THE RUSSIAN FOREIGN INTELLIGENCE SERVICE (RFIS), STATED, "IT (FCD) SHOULD CREATE FAVORABLE CONDITIONS FOR THE DEVELOPMENT OF THE ECONOMY, SCIENTIFIC, AND TECHNOLOGICAL PROGRESS." IN JANUARY 1992, RUSSIAN FOREIGN MINISTER KOZYREV STATED THAT RUSSIAN FEDERATION EMBASSIES WORLDWIDE WILL BE USED AS COVERS FOR SPECIAL SERVICES. FURTHER, HE STATED THAT EXTERNAL INTELLIGENCE FUNCTIONS ARE "... A NECESSARY JOB...ALL STATES DO IT...USING DIPLOMATIC COVER."

SINCE THE EVENTS OF TIANANMEN SQUARE IN JUNE 1989, THERE HAS BEEN AN INCREASED INTELLIGENCE PRESENCE BY THE PEOPLE'S

REPUBLIC OF CHINA (PRC) IN THE UNITED STATES. WE HAVE SEEN A PROPORTIONATE INCREASE IN THE LEVEL OF INTELLIGENCE COLLECTION ACTIVITY.

WE EXPECT THAT OTHER FOREIGN INTELLIGENCE SERVICES WILL CONTINUE TO EXPLOIT THE EVER-INCREASING NUMBERS OF STUDENTS, VISITORS, AND BUSINESS PERSONS TRAVELLING TO THE UNITED STATES. ALTHOUGH THE VAST MAJORITY OF FOREIGN NATIONALS TRAVEL TO THE U.S. FOR LEGITIMATE PURPOSES, THERE ARE THOSE INDIVIDUALS WHOSE INTENTION IT IS TO COLLECT INFORMATION BEYOND THE SCOPE OF THAT WHICH THEY REQUIRE FOR THEIR STATED PURPOSE.

THE NSTL CONCEPT REINFORCES THE IMPORTANCE OF OFFENSIVE INITIATIVES AND DEFENSIVE ACTIONS TO SAFEGUARD NATIONAL SECURITY, AND ACKNOWLEDGES THE NECESSITY FOR A MODIFIED AND IMPROVED COUNTERINTELLIGENCE STRATEGY TO ENHANCE OUR ABILITY TO FORECAST THE CHANGING HUMAN AND TECHNICAL THREAT.

AS NEW SITUATIONS UNFOLD, THE FOCUS OF FBI INVESTIGATIONS AND OUR DEPLOYMENT OF RESOURCES WILL REQUIRE MODIFICATIONS. WE HAVE ALREADY REPOSITIONED RESOURCES IN RESPONSE TO THE CHANGING THREAT, BUT WE MUST TAKE A CAUTIOUS APPROACH AS WE WORK TO PREDICT WHAT OUR NEEDS TO ACCOMPLISH OUR MISSION THROUGH THE 1990'S WILL BE. FLEXIBILITY IN OUR PROGRAMS, ESPECIALLY DURING THIS PERIOD OF POLITICAL INSTABILITY, IS VITAL.

THIS DECADE IS EMERGING AS A SERIES OF UNPRECEDENTED POLITICAL TRANSITIONS. AS A RESULT OF THE CHANGING WORLD, THE THREAT TO OUR NATIONAL SECURITY IS ALSO CHANGING. THE CHALLENGE

FOR THE FBI IS TO DETERMINE WHERE THE GREATEST THREATS NOW EXIST, AND TO DEPLOY RESOURCES ACCORDINGLY.

WE WILL CONTINUE TO MONITOR AND ANALYZE THE EVOLVING SITUATION WORLDWIDE AND THE INTELLIGENCE THREAT POSED AGAINST THIS COUNTRY IN ORDER TO REASSESS RESOURCE ALLOCATIONS AND, IF NECESSARY, RESTORE RESOURCES TO NATIONAL SECURITY MATTERS.

THE FBI REMAINS STEADFAST IN ITS COMMITMENT TO MEET THE FCI CHALLENGES AHEAD AND WILL CONTINUE TO AGGRESSIVELY INVESTIGATE ALL INTELLIGENCE THREATS TO THE UNITED STATES.

(IDENTIFICATION DIVISION (ID))

THE FBI'S IDENTIFICATION Division (ID) PROVIDES AN ESSENTIAL SERVICE TO THE CRIMINAL JUSTICE COMMUNITY THROUGH THE PROCESSING AND IDENTIFICATION OF FINGERPRINTS. DURING FY 1991, APPROXIMATELY 8,945,000 FINGERPRINT CARDS AND 3,467,000 PIECES OF CORRESPONDENCE OTHER THAN FINGERPRINT CARDS WERE RECEIVED. AN ADDITIONAL 17,993,000 NAME CHECK REQUESTS WERE ANSWERED THROUGH THE INTERSTATE IDENTIFICATION INDEX (III), OVER 54,000 NAME CHECKS WERE SUBMITTED BY MAGNETIC TAPE, AND THE NUMBER OF NATIONAL LAW ENFORCEMENT AGENCIES THE ID SERVICES HAS GROWN TO OVER 66,000. THE FBI'S ID LATENT FINGERPRINT SPECIALISTS PROVIDED VICTIM ASSISTANCE IN EIGHT DISASTERS INCLUDING THE DESERT STORM MILITARY CONFLICT. THE OTHER DISASTERS INCLUDED THREE AIRLINE CRASHES, A HELICOPTER CRASH, A NAVY SHIP ACCIDENT, A FERRY ACCIDENT, AND A MULTIPLE VEHICLE CRASH. OF THE 286

VICTIMS EXAMINED IN THESE DISASTERS, 215 WERE IDENTIFIED BY FINGERPRINTS. ALSO, 13,303 REQUESTS WERE RECEIVED FOR LATENT FINGERPRINT PROCESSING WHICH RESULTED IN 2,144 UNKNOWN INDIVIDUALS, OR APPROXIMATELY 17%, BEING IDENTIFIED.

ASIDE FROM PROVIDING THESE CRITICAL AND ESSENTIAL SERVICES ON A DAILY BASIS, THE ID REVITALIZATION AND RELOCATION PROJECT IS GOING FORWARD ACCORDING TO SCHEDULE.

THE FUTURE OF THE ID IS THE INTEGRATED AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM (IAFIS). THIS SYSTEM WILL BE A STATE-OF-THE-ART IDENTIFICATION SYSTEM AND WILL ENABLE THE FBI TO PROCESS FINGERPRINTS ELECTRONICALLY, SIGNIFICANTLY REDUCING PROCESSING TIMES. THE IAFIS WILL CONSIST OF THREE MAJOR INTEGRATED AUTOMATED SYSTEMS: AN UPGRADED III WITH AN INTERSTATE PHOTO SYSTEM FOR MUG SHOT ACCESS CAPABILITY, AN IMAGE TRANSMISSION NETWORK (ITN) FOR PAPERLESS PROCESSING, AND A NEW ADVANCED AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM (AFIS). THE KEY CONCEPT OF THE IAFIS IS THE ELECTRONIC OR PAPERLESS SUBMISSION OF FINGERPRINT IMAGES TO THE ID WHICH WOULD INVOLVE THE TOTAL ELIMINATION OF FINGERPRINT CARDS AT EVERY STEP OF THE PROCESS. FINGERPRINTS WOULD BE TAKEN AT THE LOCAL LEVEL BY LIVE-SCAN FINGERPRINTING AT THE BOOKING STATION; THE FINGERPRINTS AND RELATED DATA WOULD BE PROCESSED AT A LOCAL AFIS, TRANSMITTED TO AND PROCESSED BY A STATE IDENTIFICATION BUREAU; AND IF NO IDENTIFICATION IS MADE, THE FINGERPRINT DATA WOULD BE TRANSMITTED ELECTRONICALLY TO THE ID, PROCESSED BY A VERY ADVANCED HIGH-SPEED

AFIS, AND THE RESPONSE IS RETURNED ELECTRONICALLY TO THE BOOKING STATION WHILE THE OFFENDER IS STILL IN CUSTODY.

FUNDING IS REQUESTED FOR FY 1993 TO CONTINUE THE DEVELOPMENT AND ACQUISITION OF TWO COMPONENTS OF THE IAFIS -- THE ITN AND THE AFIS.

THE FBI HAS RELEASED A REQUEST FOR COMMENT (RFC) ON THE IAFIS TO INDUSTRY; THE NATIONAL CRIME INFORMATION CENTER (NCIC) ADVISORY POLICY BOARD; AND FEDERAL, STATE, AND LOCAL LAW ENFORCEMENT AGENCIES. THE COMMENTS RECEIVED IN RESPONSE TO THE RFC ARE BEING USED TO VALIDATE THE ID'S UNDERSTANDING OF THE USERS' REQUIREMENTS AND TO FINALIZE THE SPECIFICATIONS FOR THE IAFIS. THE FEDERAL COMPUTER ACQUISITION CENTER IS PROVIDING COMPREHENSIVE ACQUISITION SUPPORT TO THE COMPLETE IAFIS EFFORT.

IN ORDER TO REDUCE THE RISK ON THE DEVELOPMENT OF THE AFIS, THE FBI IS FOLLOWING THE PHASED DEVELOPMENT APPROACH RECOMMENDED BY OMB CIRCULAR A-109 FOR MAJOR SYSTEMS ACQUISITIONS. BY PROCEEDING WITH THIS APPROACH, THE FBI ANTICIPATES HIGHER SYSTEM EFFECTIVENESS WITH FEWER OVERALL SYSTEM COSTS AND AN APPROPRIATE LEVEL OF RISK REDUCTION. THIS APPROACH ALSO ALLOWS FOR THE APPLICATION OF NEWER TECHNOLOGIES AND BETTER ACQUISITION DECISIONS. IT IS IMPERATIVE THAT FUNDING FOR THE IAFIS BE MADE AVAILABLE IN 1993 SINCE THE IAFIS ADDRESSES A REAL-TIME LAW ENFORCEMENT NEED WITH A ONE-OF-A-KIND COMPLEX SYSTEM THAT DOES NOT ALLOW FOR AN OFF-THE-SHELF SOLUTION.

SUBSEQUENT TO THE PASSAGE OF THE FY 1992 DEPARTMENT OF JUSTICE APPROPRIATIONS ACT, WHICH INCLUDED FUNDING FOR A PROGRAM

OFFICE TO ASSIST THE FBI ID MANAGEMENT IN THE REVITALIZATION AND RELOCATION PROJECT, FBI MANAGEMENT BEGAN BRIEFING MEMBERS OF THE HOUSE SURVEYS AND INVESTIGATIONS STAFF (HSIS) ON REVITALIZATION INITIATIVES. THE HSIS WILL BE CONDUCTING FIELD INTERVIEWS IN APPROXIMATELY 30 STATES CONCERNING THE COST AND TECHNICAL ASPECTS FOR STATES TO INTERFACE WITH THE FBI'S AFIS.

IN NOVEMBER 1991, THE OFFICE OF TECHNOLOGY AND ASSESSMENT (OTA) RELEASED A REPORT ENTITLED, "THE FBI FINGERPRINT IDENTIFICATION AUTOMATION PROGRAM: ISSUES AND OPTIONS" WHICH WAS BASED ON THE STUDY THAT YOU, MR. CHAIRMAN, HAD REQUESTED. THE REPORT IS SUPPORTIVE OF THE ID REVITALIZATION INITIATIVE AND WAS WIDELY DISTRIBUTED TO THE STATES AND THE MEDIA.

IN MARCH 1991, WE OPENED A SATELLITE FACILITY IN CLARKSBURG, WEST VIRGINIA. OPERATIONS AT THIS TEMPORARY FACILITY ARE EXPANDING, AND THERE ARE A TOTAL OF 180 EMPLOYEES ON BOARD. NEGOTIATIONS ARE ALSO MOVING ALONG FOR OPENING A SECOND SATELLITE FACILITY IN THE WEST VIRGINIA AREA TO ACCOMMODATE THE EXPANSION OF THE DATA ENTRY EFFORTS, THE RECRUITING EFFORTS, AND THE TESTING AND TRAINING EFFORTS IN ANTICIPATION OF THE OPENING OF THE NEW FACILITY IN 1995.

WORK BEGAN ON THE NEW FACILITY IN OCTOBER 1991, WHEN THE FBI AWARDED A BID PACKAGE FOR SITE PREPARATION AND UTILITIES TO A LOCAL MARYLAND CONTRACTOR. DURING THAT MONTH, SITE PREPARATION ACTUALLY STARTED IN CLARKSBURG, WEST VIRGINIA. IN NOVEMBER 1991, EROSION CONTROL, CLEARING, SURVEY OF THE SITE FOR THE CENTER LINE OF THE ROAD, AND REMOVAL OF TOP SOIL COMMENCED.

CURRENT ACTIVITIES ARE CONCENTRATING ON EXCAVATION AND FILL ACTIVITIES CONCERNED WITH THE FINAL GRADING AND SURCHARGING OF THE SERVICE CENTER AREA WHICH WILL HOUSE THE SHIPPING AND RECEIVING WAREHOUSE. ON-SITE OFFICES FOR THE FBI'S CONSTRUCTION MANAGEMENT TEAM IN CLARKSBURG, WEST VIRGINIA, WERE COMPLETED ON NOVEMBER 22, 1991, WITH APPROXIMATELY 10,000 SQUARE FEET OF OFFICE SPACE AVAILABLE. UTILITY SUPPORT WAS PROVIDED FOR THE OFFICES, AND THE TEMPORARY GUARD STATION WAS IN PLACE AS OF DECEMBER 3, 1991.

DURING AUGUST 1991, A CHILD CARE CONSULTING FIRM WAS CONTRACTED BY THE FBI TO RESEARCH AND DEVELOP CRITERIA FOR THE CHILD CARE FACILITY AT THE NEW ID LOCATION IN CLARKSBURG, WEST VIRGINIA. THIS FACILITY WILL ACCOMMODATE 150 CHILDREN, AGES INFANTS THROUGH PRESCHOOLERS, AND WILL SERVE AS A BEFORE AND AFTER SCHOOL CENTER FOR CHILDREN UP TO AGE 12.

WE REMAIN FIRM IN OUR COMMITMENT TO PROVIDE JOBS WITHIN THE FBI FOR THOSE ID EMPLOYEES NOT TRANSFERRING TO WEST VIRGINIA. IN THE HUMAN RESOURCES AREA, FBI PERSONNEL AND A CONSULTING GROUP HAVE PROVIDED STRESS MANAGEMENT WORKSHOPS, TRAINING INITIATIVES, AND OTHER ASSISTANCE TO ID EMPLOYEES AS THEY MAKE THEIR FINAL DECISIONS ON WHETHER OR NOT TO RELOCATE TO WEST VIRGINIA.

(FOREIGN LIAISON AND INVESTIGATIONS)

THE COMPREHENSIVE CRIME CONTROL ACT OF 1984 AND THE OMNIBUS DIPLOMATIC SECURITY AND ANTI-TERRORISM ACT OF 1986 CREATED EXTRATERRITORIAL JURISDICTION FOR INVESTIGATING HOSTAGE

TAKING, MURDER, MANSLAUGHTER, AND SERIOUS BODILY INJURY CRIMES DIRECTED AGAINST U.S. CITIZENS ABROAD. IN ADDITION, THE INTELLIGENCE AUTHORIZATION ACT OF FY 1990 GRANTED THE FBI THE AUTHORITY TO SUPERVISE THE CONDUCT OF INVESTIGATIONS CONCERNING THE VIOLATION OF ESPIONAGE LAWS BY PERSONS ASSIGNED TO OR EMPLOYED BY U.S. MISSIONS ABROAD. THE ENACTMENT OF THESE LAWS HAS MADE THE FBI'S INTERNATIONAL ROLE INCREASINGLY MORE ACTIVE. THE PROSECUTION OF VIOLATORS OF FEDERAL LAW FOR CRIMES COMMITTED OUTSIDE THE TERRITORIAL BOUNDARIES OF THE UNITED STATES MANDATES THAT INVESTIGATIONS BE CONDUCTED IN FOREIGN COUNTRIES AND REQUIRES THAT THE FBI ESTABLISH EXTENSIVE LIAISON CONTACTS WITH FOREIGN LAW ENFORCEMENT AGENCIES AROUND THE WORLD. FOR EXAMPLE, IN AN EFFORT TO EXPEDITE THE MURDER INVESTIGATION OF A U.S. AIR FORCE ENLISTED MAN IN 1991, LEGAL ATTACHE (LEGAT) PERSONNEL RESPONSIBLE FOR LIAISON AND COORDINATION OF INVESTIGATIVE MATTERS IN GREECE ARRANGED FOR AN FBI FORENSIC EXPERT TO TRAVEL TO GREECE AND ASSIST WITH THE INVESTIGATION.

AS A RESULT OF INCREASING INCIDENTS OF INTERNATIONAL CRIME AND REQUESTS FROM FOREIGN LAW ENFORCEMENT AGENCIES FOR FBI ASSISTANCE, THE FBI HAS BECOME ACTIVELY INVOLVED IN INTERNATIONAL CRIMINAL INVESTIGATIONS. FOR INSTANCE, WITH THE OUTBREAK OF THE BANK OF CREDIT AND COMMERCE INTERNATIONAL (BCCI) SCANDAL, THE FBI'S FOREIGN LIAISON ACTIVITIES IN EUROPE HAVE BEEN INSTRUMENTAL IN ESTABLISHING CONTACT WITH APPROPRIATE FOREIGN GOVERNMENT OFFICIALS AND BANKING REGULATORY AGENCIES. THESE CONTACTS HAVE HELPED THE FBI OBTAIN RECORDS IN CONNECTION WITH THE BCCI -

INVESTIGATION RELEVANT TO CORPORATE ENTITIES UNDER INVESTIGATION IN THE UNITED STATES.

IN ADDITION TO INVESTIGATIVE ACTIVITY, THE FBI ALSO PROVIDES ASSISTANCE TO FOREIGN LAW ENFORCEMENT AGENCIES REQUESTING FBI FORENSIC EXPERTISE AND TRAINING ASSISTANCE. AT THE REQUEST OF THE GOVERNMENT OF EL SALVADOR, HOSTAGE NEGOTIATIONS/CRISIS MANAGEMENT AND TECHNICAL ASSISTANCE WAS PROVIDED TO HELP RESOLVE THE KIDNAPPING INVESTIGATION OF BILLY SOL, A PROMINENT MEMBER OF THE ARENA PARTY. THIS INVESTIGATION IS STILL PENDING; HOWEVER, WITH THE ASSISTANCE BEING PROVIDED, EL SALVADORAN AUTHORITIES ARE HOPEFUL THAT MR. SOL WILL BE LOCATED.

DURING SEPTEMBER 1991, THE FBI SPONSORED AN EXPANDED PROGRAM OF POLICE TRAINING IN THE PACIFIC ISLAND REGION KNOWN AS, THE PACIFIC TRAINING INITIATIVE (PTI). THE PTI ENCOURAGED THE PARTICIPATION OF MID-LEVEL LAW ENFORCEMENT MANAGERS FROM THE PACIFIC ISLAND NATIONS AND TERRITORIES IN AN EFFORT TO ENCOURAGE THEIR COOPERATION IN OVERSEAS EXTRA-TERRITORIAL INVESTIGATIONS. AT PRESENT, THE FBI IS ANALYZING TRAINING REQUESTS FROM FORMER COMMUNIST BLOC COUNTRIES TO DETERMINE WHAT TYPE OF INTERNATIONAL POLICE TRAINING SHOULD BE PROVIDED AND HOW IT COULD BE FUNDED.

DURING FY 1991, THE FBI RECEIVED APPROVAL FROM THE DEPARTMENT OF STATE TO OPEN TWO ADDITIONAL LEGAT POSTS IN VIENNA, AUSTRIA, AND CARACAS, VENEZUELA IN FY 1992. THE BENEFIT OF A LEGAT IN VIENNA IS TO FOSTER LIAISON WITH LAW ENFORCEMENT AND JUSTICE SYSTEMS IN AUSTRIA AND THE EMERGING EASTERN EUROPEAN DEMOCRACIES. THE ESTABLISHMENT OF A LEGAT IN CARACAS WILL

ENHANCE FBI LIAISON WITH FOREIGN POLICE AND SECURITY SERVICES IN THE NORTHERN TIER OF SOUTH AMERICA, IN ADDITION TO PROMOTING FBI EFFORTS TO MEET DOMESTIC INVESTIGATIVE RESPONSIBILITIES WHICH INCLUDE DRUGS AND VIOLENT CRIME MATTERS.

(AUTOMATION AND ENGINEERING)

(NATIONAL CRIME INFORMATION CENTER (NCIC))

THE NATIONAL CRIME INFORMATION CENTER (NCIC) IS A KEY NATIONAL RESOURCE OF THE CRIMINAL JUSTICE COMMUNITY AND IS ONE OF THE MOST IMPORTANT AVENUES OF COOPERATION BETWEEN FEDERAL, STATE, AND LOCAL LAW ENFORCEMENT AGENCIES. IN 1991, APPROXIMATELY 1,100,000 TRANSACTIONS PER DAY WERE PROCESSED FROM THE DATABASE WHICH CONSISTS OF OVER 9.3 MILLION RECORDS PLUS OVER 15 MILLION CRIMINAL HISTORIES, WITH A RESPONSE TIME OF SECONDS. IN ORDER TO MAINTAIN A HIGH DEGREE OF SUPPORT WITH THE EVER-INCREASING VOLUME OF TRANSACTIONS, THE FBI HAS EMBARKED ON A MULTI-YEAR EFFORT, WITH THE HELP OF A PRIVATE CONTRACTOR, TO REDESIGN THE EXISTING NCIC SYSTEM, AND TO DEVELOP AND IMPLEMENT NEW FUNCTIONALITIES AND SECURITY/PRIVACY PROTECTIONS REQUESTED BY THE CRIMINAL JUSTICE COMMUNITY. RESOURCES WILL BE OBLIGATED TOWARD A SOFTWARE CONTRACT TO BE COMPETED AND AWARDED IN FY 1992.

## (TECHNICAL FIELD SUPPORT AND EQUIPMENT)

DURING 1991, THE FBI CONDUCTED AUDIO/VIDEO RECORDINGS AND ELECTRONIC DEVICE EXAMINATIONS ON OVER 1,184 FORENSIC CASES. APPROXIMATELY 1,015 AUDIO RECORDERS, CONSISTING OF OPEN REEL CASSETTE, AND BODY/CONCEALMENT RECORDERS, AND 403 SINGLE AND MULTI-LINE DIALED NUMBER RECORDERS WERE SUPPLIED TO THE FIELD. ADDITIONALLY, IN 1991, ENGINEERING PERSONNEL TOOK OCCUPANCY OF POD B OF THE ENGINEERING RESEARCH FACILITY. IT IS ANTICIPATED IN 1992 OR EARLY 1993 THAT POD C AND POD D WILL BECOME AVAILABLE FOR OCCUPANCY. ALSO, THE ACQUISITION OF DIGITAL VIDEO IMAGE CAPTURE AND TRANSMISSION SYSTEMS, WHICH ALLOW THE RAPID TRANSMISSION OF COLOR VIDEO SURVEILLANCE IMAGES OBTAINED THROUGH FIELD CRIMINAL INVESTIGATIONS, BEGAN IN 1991. APPROXIMATELY 30 FIELD OFFICES HAVE BEEN EQUIPPED AND, BY THE END OF 1992, ALL FIELD OFFICES WILL BE EQUIPPED WITH AT LEAST ONE SYSTEM. IN 1992, THE NEWLY FORMED TECHNICAL INVESTIGATIVE PROGRAM WILL BEGIN ITS INITIATIVE IN PROVIDING FIELD TECHNICAL ADVISORS TRAINING IN BOTH ANALOG AND DIGITAL TELECOMMUNICATIONS SYSTEMS. THIS TRAINING WILL PROVIDE DIGITAL FUNDAMENTALS AND WILL IMPART KNOWLEDGE IN THE TELEPHONE NETWORK AND WILL THUS CONTRIBUTE TO THE FBI'S SUCCESS IN GATHERING ELECTRONIC EVIDENCE BY MEANS OF COURT-ORDERED INTERCEPTS OF TELECOMMUNICATIONS NETWORK. IN 1992, THE DIGITAL TELEPHONY INITIATIVE WILL CONTINUE WITH THE EVALUATION OF DIGITAL TELECOMMUNICATIONS TECHNOLOGY AND OTHER FORMS OF ADVANCED TELEPHONE TRANSMISSION SYSTEMS.

## (AUTOMATED DATA PROCESSING AND TELECOMMUNICATIONS)

IN 1991, UTILIZING BOTH THE U.S. AIR FORCE (NETCAP) AND INTERNATIONAL TECHNOLOGY CORPORATION (ITC) CONTRACTS, THE FBI ACQUIRED OVER 3,000 COMMERCIAL WORKSTATIONS FOR DISTRIBUTION TO THE FIELD OFFICES AS WELL AS FBI HEADQUARTERS. OTHER 1991 ACCOMPLISHMENTS INCLUDED UPGRADING FIVE CENTRAL PROCESSING UNITS (CPUS) -- FOUR IN THE REGIONAL COMPUTER SUPPORT CENTERS AND ONE AT FBIHQ -- AND ACQUIRING TWO ADDITIONAL CPUS FOR FBIHQ. IN 1991, THE FBI TRAINED 119 SPECIAL AGENTS-IN-CHARGE AND ASSISTANT SPECIAL AGENTS-IN-CHARGE AND PROVIDED END-USER MICROCOMPUTER TRAINING TO OVER 6,000 STUDENTS. ALSO IN 1991, THE FBI ESTABLISHED TOKEN-RING NETWORK TECHNOLOGY AS THE FBI STANDARD AND BEGAN PROTOTYPE IMPLEMENTATIONS OF TOKEN RING AT SELECTED FBI HEADQUARTERS AND FIELD OFFICE SITES. THE TOKEN RING ARCHITECTURE COMPLIES WITH ESTABLISHED GOVERNMENT STANDARDS AND PROVIDES GREATER CONTROL AND MANAGEMENT CAPABILITIES OVER THE FBI'S COMMUNICATION ENVIRONMENT. THE FBI IS ALSO ANTICIPATING THE AWARD OF COMMERCIAL WORKSTATION, LAPTOP, AND SCANNER CONTRACTS. AWARD OF THESE CONTRACTS WILL POSITION THE FBI TO MEET AGENCY-WIDE WORKSTATION REQUIREMENTS BY 1994. THE FBI WILL ALSO PROVIDE REQUISITE MICROCOMPUTER TRAINING THROUGHOUT THE FBI. IN ADDITION, 1992 PLANS INCLUDE THE CONTINUATION OF SOFTWARE DEVELOPMENT INITIATIVES, SUCH AS INDICES, PERSONNEL, AND FINANCIAL MANAGEMENT, AND THE INTEGRATION OF INFORMATION ACROSS INVESTIGATIVE LINES. IN 1992, THE FBI WILL CONTINUE

IMPLEMENTATION OF THE TOKEN RING NETWORK, CONCENTRATING PRIMARILY ON FIELD OFFICE IMPLEMENTATIONS.

(LABORATORY DIVISION)

THE FBI LABORATORY IS A MAJOR PART OF THE FBI'S OVERALL EFFORT TO FIGHT VIOLENT CRIME. DURING FY 1991, THE FBI LABORATORY RECEIVED 9302 REQUESTS TO EXAMINE EVIDENCE FROM VIOLENT CRIMES, OR 54% OF ITS WORKLOAD, FROM FEDERAL, STATE AND LOCAL LAW ENFORCEMENT AGENCIES. THE FBI LABORATORY ALSO SUPPORTS THE FBI'S INVESTIGATIONS OF CASES INVOLVING EXTRATERRITORIAL JURISDICTION AND COOPERATION WITH FOREIGN POLICE.

(DNA PROGRAM)

DNA TYPING OR PROFILING IS USED TO ASSOCIATE BIOLOGICAL EVIDENCE FOUND AT CRIMES SCENES, TYPICALLY RAPE AND MURDER, TO SPECIFIC INDIVIDUALS -- OR TO EXCLUDE POSSIBLE SUSPECTS. SINCE BEGINNING FORENSIC DNA CASEWORK IN 1988, THE FBI LABORATORY HAS RECEIVED APPROXIMATELY 5000 DNA CASES FROM FEDERAL, STATE, AND LOCAL CRIME LABORATORIES AND ISSUED APPROXIMATELY 4000 FORENSIC REPORTS. DEMAND ON THE LABORATORY FOR FORENSIC DNA TYPING CONTINUES TO GROW AS THE TECHNIQUE GAINS ACCEPTANCE IN COURTS THROUGHOUT THE COUNTRY. IN FY 1991, THE LABORATORY'S DNA CASELOAD INCREASED OVER 25 PERCENT FROM FY 1990. DNA EXAMINERS FROM THE FBI LABORATORY HAVE TESTIFIED OVER 300 TIMES IN DNA

TRIALS AND ADMISSIBILITY HEARINGS IN 42 STATES, TWO U.S. TERRITORIES, AND TWO FOREIGN COUNTRIES.

THE LABORATORY CONTINUES DNA RESEARCH TO DEVELOP NEW ANALYTICAL METHODS BASED ON THE POLYMERASE CHAIN REACTION, OR PCR, TECHNIQUE FOR MAKING MILLIONS OF COPIES OF DNA. IN ADDITION TO BEING MORE SENSITIVE THAN CURRENT METHODS USING RESTRICTION FRAGMENT LENGTH POLYMORPHISMS (RFLP), PCR-BASED TESTS WILL GIVE CRIME LABORATORIES A MORE RAPID MEANS OF CHARACTERIZING BIOLOGICAL EVIDENCE. THE FBI LABORATORY EXPECTS TO COMPLETE VALIDATION STUDIES IN 1993 ON A TECHNIQUE CALLED AMP-FLPS, FOR AMPLIFIED-FRAGMENT LENGTH POLYMORPHISMS. AMP-FLPS COMBINES PCR'S ABILITY TO MAKE MANY COPIES OF THE DNA EVIDENCE WITH THE RESOLVING POWER THAT COMES WITH EXAMINING FRAGMENT LENGTH POLYMORPHISMS, THE PRINCIPAL STRENGTH OF RFLP. AMP-FLPS WILL PROVIDE INVESTIGATORS WITH VALUABLE IDENTIFICATION INFORMATION WHICH CANNOT BE OBTAINED USING CURRENT METHODS. AMP-FLPS WILL MAKE IT POSSIBLE TO PERFORM DNA TESTS IN A MATTER OF DAYS, RATHER THAN WEEKS, WITHOUT DECREASING THE ABILITY TO DRAW CONCLUSIONS FROM THE EVIDENCE.

IN NOVEMBER 1991, THE LABORATORY ISSUED LEGISLATIVE GUIDELINES FOR STATE LEGISLATURES, ATTORNEYS GENERAL, AND POLICE AGENCIES TO USE IN DRAFTING OR REVIEWING DNA DATABASE LAWS. AT LEAST SEVENTEEN STATES HAVE ALREADY ENACTED LAWS AUTHORIZING ESTABLISHMENT OF DNA DATABASES TO STORE DNA IDENTIFICATION RECORDS FOR LAW ENFORCEMENT PURPOSES. UNFORTUNATELY, THE STATUTES DIFFER SIGNIFICANTLY FROM EACH OTHER, PARTICULARLY IN THE CATEGORIES OF OFFENDERS INCLUDED IN THE STATE DATABASE, AND

DNA COLLECTION PROCEDURES. ALSO, MOST EXISTING STATE LAWS WERE DRAFTED WITHOUT ANTICIPATING NATIONAL STANDARDS OR FEDERAL REQUIREMENTS FOR PARTICIPATION IN THE NATIONAL DNA IDENTIFICATION INDEX (CODIS). THE FBI'S GUIDELINES ARE HEAVILY INFLUENCED BY PROVISIONS OF THE PROPOSED "DNA IDENTIFICATION ACT OF 1991" WHICH, IF ENACTED, WOULD AUTHORIZE THE FBI TO SET STANDARDS FOR FORENSIC DNA TESTING AND ESTABLISH SPECIFIC REQUIREMENTS FOR STATES TO PARTICIPATE IN THE NATIONAL DNA INDEX SYSTEM.

THE LABORATORY HAS BEEN WORKING SINCE OCTOBER 1990 WITH TEN FORENSIC DNA LABORATORIES IN SEVEN STATES TO DEVELOP THE PILOT VERSION OF CODIS, WHICH WILL BE A NATIONAL REPOSITORY OF DNA PROFILES FROM CRIME SCENE EVIDENCE AND CONVICTED OFFENDERS PRODUCED BY STATE AND LOCAL DNA LABORATORIES. CODIS WILL ALLOW DNA LABORATORIES TO SEARCH FOR DNA MATCHES TO LINK SERIAL VIOLENT CRIMES OR TO IDENTIFY A SUSPECT PREVIOUSLY CONVICTED OF A SEX OFFENSE OR VIOLENT CRIME. IN SEPTEMBER 1991, COMPUTER SOFTWARE TO EXCHANGE DNA PROFILES WAS DELIVERED TO THE PILOT LABORATORIES. SOFTWARE DELIVERIES TO PILOT LABORATORIES DURING 1992 AND 1993 WILL INCLUDE ADDITIONAL DATABASE AND NETWORK CAPABILITIES. ONCE COMPLETE, THE SYSTEM WILL BE AVAILABLE FOR INSTALLATION IN OTHER DNA LABORATORIES.

APPROXIMATELY 25 STATE AND LOCAL CRIME LABORATORIES ARE CURRENTLY PERFORMING FORENSIC DNA CASEWORK USING THE FBI'S PROTOCOL. THE FBI LABORATORY TRAINS DNA ANALYSTS FROM STATE AND LOCAL CRIME LABORATORIES, CONDUCTS THE VISITING SCIENTIST PROGRAM, AND HOSTS CONFERENCES AND SYMPOSIA FOR FORENSIC SCIENTISTS AT THE FBI ACADEMY. A FOUR-WEEK DNA COURSE CONDUCTED

AT THE FBI ACADEMY SINCE 1989 HAS TRAINED OVER 200 FORENSIC SCIENTISTS FROM MORE THAN 80 DIFFERENT STATE, LOCAL, AND FEDERAL CRIME LABORATORIES, PLUS 14 STUDENTS FROM 11 FOREIGN COUNTRIES. AN ADVANCED COURSE ON EXPERT TESTIMONY FOR DNA CASES WAS FIRST OFFERED IN FY 1991 FOR STATE AND LOCAL DNA EXAMINERS. IN MAY 1991, THE FBI LABORATORY HOSTED AN INTERNATIONAL SEMINAR ON THE FORENSIC APPLICATION OF PCR TECHNOLOGY WHICH WAS ATTENDED BY SCIENTISTS FROM THROUGHOUT THE WORLD.

THE LABORATORY ALSO SPONSORS THE TECHNICAL WORKING GROUP ON DNA ANALYSIS METHODS WHICH DEVELOPED GUIDELINES FOR QUALITY ASSURANCE AND PROFICIENCY TESTING BY FORENSIC DNA LABORATORIES.

(BOMBING INCIDENTS)

THE FBI LABORATORY INCLUDES ONE OF THE MOST EXPERIENCED AND CAPABLE GROUPS IN THE WORLD FOR INVESTIGATING BOMBING CRIME SCENES. IN A CASE WHICH DREW NATIONAL ATTENTION IN 1991, LABORATORY EXPLOSIVES EXPERTS TESTIFIED IN THE TRIAL OF WALTER LEROY MOODY FOR THE MURDER OF JUDGE VANCE.

OUTSIDE THE UNITED STATES, AGENTS FROM THE FBI LABORATORY RESPOND TO BOMBINGS WHENEVER THE ATTORNEY GENERAL DETERMINES SUCH INCIDENTS FALL WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE UNITED STATES. FOR EXAMPLE, DURING THE PRESIDENT'S VISIT TO JAPAN IN JANUARY 1992, A LABORATORY AGENT CONDUCTED FORENSIC EXAMINATIONS ON AN EXPLOSIVE DEVICE DISCOVERED IN THE AMERICAN EMBASSY COMPOUND IN TOKYO. ALSO, A LABORATORY

AGENT CONDUCTED CRIME SCENE EXAMINATIONS FOLLOWING THE RECENT KIDNAPPING IN MANILA OF AN AMERICAN BUSINESSMAN BY PHILIPPINE TERRORISTS.

THE FBI LABORATORY PLAYED A KEY ROLE IN DEVELOPING EVIDENCE USED THE NOVEMBER 1991 INDICTMENTS OF THE TWO LIBYAN OPERATIVES ON CHARGES OF PLANTING AND DETONATING THE BOMB THAT DESTROYED PAN AM FLIGHT 103. THE LABORATORY IDENTIFIED A MINUTE FRAGMENT OF AN ELECTRONIC CIRCUIT BOARD RECOVERED FROM THE WRECKAGE AS BEING PART OF A CERTAIN ELECTRONIC TIMER. INVESTIGATORS FOLLOWED THE LEAD TO THE TIMER'S SWISS MANUFACTURER AND, ULTIMATELY, TO LIBYA AND THE INDICTED INDIVIDUALS.

IN ANOTHER INTERNATIONAL AIRCRAFT BOMBING, THE FBI LABORATORY HELPED INVESTIGATE THE EXPLOSION AND CRASH OF UTA FLIGHT 772 ON SEPTEMBER 19, 1989, OVER THE SAHARA DESERT IN NIGER, AFRICA. ALL 171 PASSENGERS WERE KILLED, INCLUDING THE WIFE OF THE AMERICAN AMBASSADOR TO CHAD. A LABORATORY TEAM PROVIDED ON-SITE ASSISTANCE TO THE FRENCH GOVERNMENT IN COLLECTING EVIDENCE UNDER EXTREME CONDITIONS WHICH INCLUDED DRIFTING SAND AND DAYTIME TEMPERATURES APPROACHING 140° FAHRENHEIT. THE FBI LABORATORY IDENTIFIED THE TYPE OF SUITCASE USED TO HOUSE THE BOMB, WHERE THE BOMB WAS PLACED ON THE AIRCRAFT, THE EXACT TYPE OF HOMEMADE EXPLOSIVE USED, AND THE LOCATION OF A FRAGMENT OF A CIRCUIT BOARD THAT HAD BEEN PART OF THE SUITCASE BOMB.

(DRUGFIRE)

IN SUPPORT OF THE OFFICE OF NATIONAL DRUG CONTROL POLICY AND, MORE RECENTLY, OPERATION SAFE STREETS, THE FBI LABORATORY ESTABLISHED THE DRUGFIRE PROJECT TO HELP LINK DRUG-RELATED AND OTHER SHOOTING INCIDENTS VIA A DATABASE CONNECTING LAW ENFORCEMENT AGENCIES IN THE WASHINGTON, D.C. AREA. THE DRUGFIRE CONCEPT USES A COMPUTER DATABASE TO INTERCOMPARE EVIDENCE FROM CRIME SCENES TO ASSOCIATE SHOOTING INCIDENTS WITH EACH OTHER AND TO IDENTIFY POSSIBLE SUSPECTS.

THIS SPRING, THE FBI SYSTEM WILL BEGIN TESTING THE PRACTICALITY OF DRUGFIRE AS AN INVESTIGATIVE TOOL. THE DEMONSTRATION SYSTEM WILL CONNECT SIX FORENSIC FIREARMS LABORATORIES IN THE WASHINGTON, D.C. AREA TO A CENTRAL FBI DATABASE VIA A SECURE TELECOMMUNICATIONS NETWORK. IF THE TEST IS SUCCESSFUL, THE FBI PLANS TO MAKE THE SOFTWARE AVAILABLE TO OTHER LAW ENFORCEMENT AGENCIES THROUGHOUT THE COUNTRY FOR INSTALLATION ON THEIR OWN SYSTEMS.

THE DRUGFIRE DATABASE WILL CONTAIN DETAILED FORENSIC DATA, PLUS IMAGES OF SHELL CASES RECOVERED FROM SHOOTING INCIDENTS. EFFORTS WILL CONTINUE TO ENHANCE COMPUTER SOFTWARE ABLE TO AUTOMATICALLY SCAN, ANALYZE, AND CORRELATE MICROSCOPIC FEATURES THAT LEAVE "WEAPON FINGERPRINTS" ON THE SURFACES OF BULLETS AND SHELL CASINGS, THEREBY ENABLING INVESTIGATORS TO FOCUS ON THOSE WHICH WERE MOST LIKELY FIRED BY THE SAME GUN. DATA ON OVER 500 DRUG-RELATED SHOOTINGS HAVE BEEN COLLECTED IN ANTICIPATION OF THE INITIAL TEST OF THE DEMONSTRATION DRUGFIRE SYSTEM.

## (ENVIRONMENTAL CRIME)

ALTHOUGH THE FBI HAS NO LEGISLATIVE AUTHORITY TO INVESTIGATE ENVIRONMENTAL CRIMES, WE HAVE BEEN WORKING UNDER A MEMORANDUM OF UNDERSTANDING WITH THE ENVIRONMENTAL PROTECTION AGENCY (EPA) SINCE 1982 TO INVESTIGATE VIOLATIONS OF ENVIRONMENTAL LAWS. IN FY 1991, 53 FBI AGENT WORKYEARS WERE SPENT PRODUCING 71 INDICTMENTS OR FILINGS OF INFORMATION. THE FBI IS CURRENTLY WORKING ON NEARLY 400 ENVIRONMENTAL CRIME CASES. MOST TECHNICAL SUPPORT FOR THESE INVESTIGATIONS, HOWEVER, IS PROVIDED BY THE EPA LABORATORY IN DENVER, COLORADO. ANTICIPATED INCREASES OF ENVIRONMENTAL CRIME INVESTIGATIONS DURING THE 1990S, COMBINED WITH THE FBI'S GROWING ROLE IN PROSECUTION OF ENVIRONMENTAL CRIME CASES, CALLS FOR AN EXPANDED ROLE OF THE FBI LABORATORY.

## (COMPUTER ANALYSIS AND RESPONSE TEAM)

THE LABORATORY IS CURRENTLY EXPANDING ITS CAPABILITY TO ASSIST INVESTIGATIONS OF WHITE COLLAR/COMPUTER CRIMES BY ESTABLISHING THE COMPUTER ANALYSIS AND RESPONSE TEAM (CART). THIS EXPANSION OF THE LABORATORY'S ROLE RESPONDS DIRECTLY TO THE INCREASING NUMBER OF CASES REQUIRING FORENSIC EXAMINATIONS OF COMPUTER DATA STORAGE, OR SUPERVISION OF ON-SCENE SEARCHES. IN ADDITION TO THE EXAMINATION AND FIELD SUPPORT FUNCTIONS, CART

WILL TRAIN FBI FIELD AGENTS IN THE PRESERVATION AND SUBMISSION OF COMPUTER EVIDENCE. CART WILL ACT AS A TECHNICAL RESOURCE REGARDING INVESTIGATIVE PROBLEMS WHICH SPAN SEVERAL DIVISIONS WITHIN FBIHQ AND WILL SERVE AS LIAISON TO THE COMPUTER INDUSTRY.

(NEW CAPABILITIES)

THE FBI LABORATORY HAS DEVELOPED SEVERAL NEW CAPABILITIES WHICH SIGNIFICANTLY IMPROVE CAPABILITIES TO ANALYZE FORENSIC EVIDENCE. WIDESPREAD USE OF VIDEO TAPE INSTEAD OF FILM FOR SURVEILLANCE IN BANKS AND CONVENIENCE STORES, PLUS THE INCREASING USE OF TAPES PRODUCED WITH HOME VIDEO EQUIPMENT AS EVIDENCE, REQUIRES IMPROVED CAPABILITIES TO ENHANCE AND ANALYZE VIDEO IMAGES. TO AID IN EXAMINING SKELETAL REMAINS, THE LABORATORY DEVELOPED THE ABILITY TO RECONSTRUCT FACIAL LIKENESSES FROM SKULLS BY CONVENTIONAL MEANS USING MODELING CLAY AND ANTHROPOLOGICAL DATA REGARDING TISSUE THICKNESS TO RECREATE FACIAL CONTOURS, AND BY COMPUTER-BASED METHODS WHICH COMPARE UNDERLYING BONE STRUCTURES OF A SKULL WITH FEATURES IN PHOTOGRAPHS OF MISSING PERSONS. USING RAPID MODELING TECHNIQUES, THE LABORATORY ASSISTED HOSTAGE RESCUE EFFORTS DURING THE PRISON UPRISING AT TALLADEGA, ALABAMA, BY CONSTRUCTING A THREE DIMENSIONAL MODEL OF THE PRISON BUILDING IN 30 HOURS. THE MODEL WAS USED TO PLAN THE ASSAULT AND BRIEF AFFECTED POLICE AGENCIES. THE LABORATORY IS HELPING TO ESTABLISH AN IMAGE PROCESSING CENTER IN THE FBI'S ATLANTA OFFICE TO ALLOW QUICK GENERATION OF COMPOSITE DRAWINGS FROM WITNESSES' DESCRIPTIONS USING THE

COMPUTER-BASED "FACEKIT". THE IMAGE CENTER CAN ALSO REPRODUCE PRINTS FROM VIDEO TAPE OR OTHER ELECTRONIC IMAGING MEDIA, PHOTO LINEUPS AND WANTED FLYERS, AND COPIES FROM FILM NEGATIVES.

(FLIP-FLAP)

FOREIGN LANGUAGE INCENTIVE AND ACHIEVEMENT PROGRAMS WERE INITIATED DURING FY 1990 TO REWARD AND RECOGNIZE FBI EMPLOYEES MAKING SUBSTANTIAL USE OF THEIR FOREIGN LANGUAGE SKILLS AND WHO DEMONSTRATE EXCEPTIONAL ACHIEVEMENT IN INCREASING THEIR FOREIGN LANGUAGE PROFICIENCY. THESE PROGRAMS ARE IMPORTANT BECAUSE THEY FOCUS ATTENTION ON THE CRITICAL NEED FOR PROFICIENT SPEAKERS OF FOREIGN LANGUAGES TO SUPPORT THE WIDE VARIETY OF FBI INVESTIGATIONS. IN RESPONSE, FBI EMPLOYEES EXHIBIT INCREASED INTEREST IN FOREIGN LANGUAGE TRAINING AS WELL AS OBTAINING ASSIGNMENTS WHERE THEY CAN USE THEIR FOREIGN LANGUAGE SKILLS. DURING THE INCENTIVE PROGRAM'S FIRST YEAR, 220 SPECIAL AGENTS, LANGUAGE SPECIALISTS, AND TRANSLATORS RECEIVED AWARDS. IN ADDITION, 33 ACHIEVEMENT AWARDS WERE GIVEN TO FBI EMPLOYEES WHO RAISED THEIR PROFICIENCY LEVELS IN CRITICALLY NEEDED LANGUAGES.

(INFORMATION MANAGEMENT)

DURING 1990, THE HATE CRIME STATISTICS ACT WAS SIGNED INTO LAW AND MANDATED DATA COLLECTION RESPONSIBILITIES WERE DELEGATED TO THE FBI. THE UNIFORM CRIME REPORTS SECTION, IN CLOSE CONSULTATION WITH LAW ENFORCEMENT AGENCIES EXPERIENCED IN

HATE CRIME DATA COLLECTION AND WITH NUMEROUS HUMAN INTEREST GROUPS, HAS ESTABLISHED UNIFORM HATE CRIME REPORTING AND TRAINING CRITERIA. REGIONAL TRAINING SEMINARS HAVE BEEN CONDUCTED THROUGHOUT THE COUNTRY TO ENABLE STATE-LEVEL LAW ENFORCEMENT ADMINISTRATORS TO TRAIN CITY AND COUNTY LAW ENFORCEMENT PERSONNEL IN IDENTIFYING AND REPORTING HATE-RELATED CRIME. ACTUAL COLLECTION WAS EFFECTIVE JANUARY 1, 1991, AND REPORTING IS DONE ON A QUARTERLY BASIS.

THE NATIONAL INCIDENT-BASED REPORTING SYSTEM (NIBRS) IS IN SIGNIFICANT IMPLEMENTATION STAGES. APPROXIMATELY 30 STATES ARE IN VARYING LEVELS OF DEVELOPING SOFTWARE AND SYSTEM TESTING. MOST OF THESE STATES WILL BE PROVIDING TEST TAPES CONTAINING ACTUAL INCIDENT DATA BY THE END OF 1991. AS THIS PROCESS CONTINUES, DYNAMIC AND UNPRECEDENTED CRIME DATA WILL BE AVAILABLE FOR LAW ENFORCEMENT OPERATIONAL AND ADMINISTRATIVE USE. LEGISLATIVE BODIES AT ALL LEVELS WILL ALSO HAVE PREVIOUSLY UNAVAILABLE INFORMATION REGARDING THE NATURE OF CRIME, ITS VICTIMS, OFFENDERS, DRUG RELATIONSHIPS, AND MUCH MORE ON WHICH TO BASE INITIATIVES.

(FOI/PA)

THE FREEDOM OF INFORMATION - PRIVACY ACTS (FOI/PA) SECTION HAS A SUBSTANTIAL BACKLOG OF REQUESTS -- APPROXIMATELY 8,700 AT THE END OF 1991 -- CAUSED BY AN INCREASE IN REQUESTS RECEIVED OVER THE PAST SIX YEARS. THE FBI HAS IMPLEMENTED-A NUMBER OF INITIATIVES TO REDUCE THE BACKLOG AND TIME REQUIRED TO

RESPOND TO REQUESTS. THESE INITIATIVES INCLUDE REGIONAL TRAINING/PROCESSING CONFERENCES WHERE FIELD OFFICE DOCUMENT EXAMINERS WORK ON THE BACKLOG, CHANGES IN THE SEQUENCE OF PROCESSING STEPS TO INCREASE EFFICIENCY, AND DIRECT CONSULTATION WITH THE REQUESTORS TO BETTER DEFINE THE SCOPE OF THE REQUESTS. A PILOT OPTICAL IMAGING PROCESSING SYSTEM, USING STATE-OF-THE-ART TECHNOLOGY, WAS IMPLEMENTED IN MARCH 1990. THE RESULTS ARE ENCOURAGING TO DATE.

(INFORMATION TECHNOLOGY CENTERS)

THE INFORMATION TECHNOLOGY CENTERS ESTABLISHED IN BUTTE, MONTANA, AND SAVANNAH, GEORGIA, ARE PERFORMING THE FOLLOWING WORKING OPERATIONS: PAYMENT OF COMMERCIAL VOUCHERS, PROCESSING OF INVESTIGATIVE INFORMATION THROUGH MODERN TECHNOLOGY, AND FILE ARCHIVAL AND DESTRUCTION. THESE CENTERS HAVE PROVIDED AN INNOVATIVE WAY TO HANDLE DAY-TO-DAY PROCESSING OF INFORMATION AND HAVE DEMONSTRATED THE BENEFITS OF UTILIZING A WORK FORCE GEOGRAPHICALLY LOCATED IN A LOW COST OF LIVING AREA TO PROCESS THE WORK OF FIELD OFFICES LOCATED IN MAJOR METROPOLITAN AREAS.

(TRAINING)

THE FBI ACADEMY IN QUANTICO, VIRGINIA, RECOGNIZED AS THE FOREMOST LAW ENFORCEMENT TRAINING FACILITY IN THE WORLD, WILL CONTINUE TO PROVIDE TRAINING TO NEW FBI AND DEA AGENTS,

SPECIALIZED TRAINING FOR ON BOARD AGENTS, AND ADVANCED TRAINING FOR STATE, LOCAL, AND FOREIGN CRIMINAL JUSTICE PERSONNEL THROUGH THE NATIONAL ACADEMY AND A VARIETY OF OTHER UNIQUE COURSES OF SHORTER DURATION. RECENTLY THE ATTORNEY GENERAL DECIDED TO EXPAND FACILITIES AT QUANTICO TO ACCOMODATE DEA TRAINING. INITIATIVES UNDERWAY AT QUANTICO INCLUDE THE NATIONAL CENTER FOR THE ANALYSIS OF VIOLENT CRIME (SERIAL CRIME AND OTHER VIOLENT CRIME), THE FORENSIC SCIENCE RESEARCH AND TRAINING CENTER (HIGHLIGHTED BY THEIR DNA RESEARCH), THE HOSTAGE RESCUE TEAM, PROPOSED EXPANSION OF "HOGAN'S ALLEY" (A PRACTICAL PROBLEM TRAINING FACILITY), THE PROPOSED DEFENSIVE DRIVER TRAINING COURSE AND THE ENGINEERING RESEARCH FACILITY.

IN SUPPORT OF THE FBI'S NATIONAL VIOLENT CRIME STRATEGY, THE FBI ACADEMY HAS IMPLEMENTED A COMPREHENSIVE TRAINING AND INVESTIGATIVE SUPPORT SYSTEM TO ASSIST LOCAL LAW ENFORCEMENT AGENCIES ADDRESS THE VIOLENT CRIME ISSUE. THIS HAS INCLUDED CONTINUATION OF THE FBI'S EXECUTIVE DEVELOPMENT TRAINING PROGRAMS AND THE EXPANSION OF SERVICE PROVIDED BY THE FBI'S NATIONAL CENTER FOR THE ANALYSIS OF VIOLENT CRIME.

AS PART OF THE FBI ACADEMY'S MISSION TO SERVE AS A NATIONAL FORUM TO ADDRESS CURRENT AND EMERGING ISSUES OF INTEREST TO THE LAW ENFORCEMENT COMMUNITY, THE FOLLOWING NATIONAL WORKING CONFERENCES DEALING WITH VIOLENT CRIME WERE EITHER CONDUCTED OR SCHEDULED AT THE FBI ACADEMY DURING FISCAL YEAR 1992:

◆ IN OCTOBER 1991, THE FBI ACADEMY HOSTED A NATIONAL CONFERENCE, ENTITLED, "ADDRESSING VIOLENT CRIME THROUGH COMMUNITY INVOLVEMENT." NINE REGIONAL WORKING GROUPS COMPOSED OF FBI

SPECIAL AGENTS IN CHARGE, LOCAL POLICE EXECUTIVES, AND COMMUNITY LEADERS ASSEMBLED AS A RESULT OF THIS CONFERENCE AND ARE PRESENTLY WORKING IN A COLLABORATIVE FASHION TO ADDRESS THIS ISSUE.

♦ IN FEBRUARY 1992, THE FBI, IN CONJUNCTION WITH THE AMERICAN ASSOCIATION OF RETIRED PERSONS (AARP), THE INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE, AND THE NATIONAL SHERIFF'S ASSOCIATION, CONDUCTED, AT THE FBI ACADEMY, THE TRIAD CONFERENCE DEALING SPECIFICALLY WITH "CRIMES AGAINST THE ELDERLY."

♦ IN SEPTEMBER 1992, A NATIONAL WORKING CONFERENCE IS SCHEDULED FOR POLICE EXECUTIVES DEALING WITH THE ISSUE OF IMPLEMENTING COMMUNITY-ORIENTED POLICING PROGRAMS AND STRATEGIES TO SPECIFICALLY ADDRESS URBAN VIOLENT CRIME.

IN SUPPORT OF OUR NATIONAL EFFORTS TO ASSIST LOCAL LAW ENFORCEMENT ADDRESS VIOLENT CRIME, THE STATES OF PENNSYLVANIA, TEXAS, AND WYOMING HAVE RECENTLY AGREED TO SUBMIT MAJOR UNSOLVED VIOLENT CRIME OFFENSES FOR ENTRY INTO THE FBI'S VIOLENT CRIMINAL APPREHENSION PROGRAM DATA BANK. NINE STATES NOW PARTICIPATE IN THIS PROGRAM.

IN ADDITION, THE FBI NATIONAL ACADEMY CURRICULUM HAS RECENTLY BEEN MODIFIED TO INCLUDE THE EXPANSION OF COURSE OFFERINGS IN THE AREA OF VIOLENT CRIME INVESTIGATION AND PREVENTION.

(SEMI-AUTOMATIC PISTOLS AND RANGE FACILITIES)

THE FBI IS CONTINUING A MAJOR INITIATIVE BEGUN IN FY 1990 TO RE-EQUIP THE ENTIRE AGENT COMPLEMENT WITH SEMI-AUTOMATIC HANDGUNS. WITH THIS PROCESS WELL UNDERWAY, ADDITIONAL STEPS ARE NOW BEING TAKEN TO ASSURE THAT OUR AGENTS ARE FULLY PREPARED, BOTH WITH TRAINING AND EQUIPMENT, TO PROTECT THEMSELVES AND THE PUBLIC AS THEY PERFORM THEIR DUTIES. OTHER MAJOR INITIATIVES FOR IMMEDIATE CONSIDERATION ARE THE ACQUISITION OF MORE EFFECTIVE SHOULDER WEAPONS AND MORE REALISTIC FIELD TRAINING. TO ACCOMPLISH THE LATTER, IT IS IMPERATIVE THAT THE FBI MAKE PROPER EQUIPMENT AND TRAINING FACILITIES AVAILABLE FOR USE BY OUR AGENTS THROUGHOUT THE UNITED STATES.

ADDITIONALLY, DUE TO INCREASED TRAINING DEMANDS ANTICIPATED IN THE COMING YEARS, WE ARE PLANNING AN ARCHITECTURAL AND ENGINEERING STUDY FOR A FIREARMS RANGE TRAINING CENTER.

(LEGAL COUNSEL)

IN FY 1991, THE FBI'S LEGAL COUNSEL DIVISION PROVIDED LEGAL INSTRUCTION TO 672 NEW FBI AGENTS, 440 DEA BASIC AGENTS, 40 DEA DIVERSION INVESTIGATORS, AND 40 DEA INTELLIGENCE ANALYSTS. LEGAL TRAINING WAS ALSO PROVIDED TO 1,000 FBI NATIONAL ACADEMY ATTENDEES AND LEGAL COUNSEL PRESENTED AND PARTICIPATED IN OTHER SPECIALIZED LEGAL TRAINING FOR FBI MANAGERS AND LEGAL ADVISORS. AS PART OF THE THE NATIONAL LAW INSTITUTE PROGRAM, THE FBI CONDUCTED A SPECIALIZED COURSE OF INSTRUCTION TO 90 ATTORNEYS WHO ARE ADVISORS TO POLICE DEPARTMENTS AS WELL AS 48 PROSECUTORS. LEGAL COUNSEL PARTICIPATED IN 52 FORFEITURE TRAINING SEMINARS,

ATTENDED BY OVER 3,000 INDIVIDUALS. DIRECT ASSISTANCE WAS PROVIDED TO STATE AND FEDERAL PROSECUTORS IN OVER 112 CRIMINAL CASES IN SECURING THE ADMISSION OF DNA EVIDENCE ANALYZED BY THE FBI LABORATORY.

(MEDIA)

THE FBI CONTINUED TO COOPERATE WITH SEVERAL MEDIA OUTLETS IN AN EFFORT TO INVOLVE THE AMERICAN PUBLIC IN LOCATING FUGITIVES AND SOLVING DIFFICULT CRIMINAL CASES. THE FBI WORKS CLOSELY WITH TELEVISION AND RADIO NETWORKS, AND NEWSPAPERS. FOR EXAMPLE, WE COOPERATE WITH FOX TV'S "AMERICA'S MOST WANTED" AND NBC'S "UNSOLVED MYSTERIES." FROM FEBRUARY 1988, THROUGH SEPTEMBER 1992, THESE TWO PROGRAMS CONTRIBUTED DIRECTLY TO THE ARREST OF 175 FBI FUGITIVES, INCLUDING TEN TOP TEN FUGITIVES. SO FAR IN FY 1992, 15 FUGITIVES HAVE BEEN ARRESTED AS A RESULT OF THESE TELEVISION SHOWS. IN ADDITION, SEVERAL NEWSPAPERS PUBLISH PROFILES AND PHOTOGRAPHS OF FUGITIVES WANTED BY THE FBI AND LOCAL LAW ENFORCEMENT AGENCIES. THE MAJORITY OF THESE FUGITIVES WERE BEING SOUGHT PURSUANT TO UNLAWFUL FLIGHT INVESTIGATIONS AND WERE VIOLENT AND DANGEROUS INDIVIDUALS WANTED FOR SERIOUS VIOLATIONS, SUCH AS MURDER, ATTEMPTED MURDER, KIDNAPPING, RAPE, AND DRUG-RELATED OFFENSES. COOPERATING WITH MEDIA OUTLETS HAS FORGED A BOND BETWEEN LAW ENFORCEMENT AND THE PUBLIC. THE FBI HAS FOUND THIS EFFORT TO BE HIGHLY SUCCESSFUL.

(ADMINISTRATIVE)

OVER THE LAST YEAR, THE FBI CONTINUED ITS EXAMINATION OF PERSONNEL PRACTICES, SUCH AS OUR EQUAL EMPLOYMENT OPPORTUNITY INITIATIVES AND THE REVAMPING OF OUR EXECUTIVE SELECTION PROCESS. MOST NOTABLY, WE DECIDED TO DISCONTINUE THE USE OF OUR 12 YEAR-OLD HIRING SYSTEM AFTER A LENGTHY REVIEW DETERMINED THAT THE SYSTEM COULD BE IMPROVED. THE LEVEL OF PUBLIC INTEREST IN OUR SELECTION SYSTEM SERVES TO EMPHASIZE THE IMPORTANT ROLE AND PERCEPTION OF THE FBI IN OUR SOCIETY, AND, FOR THIS REASON, WE HAVE AND WILL CONTINUE TO ASSURE THAT YOUR COMMITTEE IS KEPT INFORMED OF OUR PROGRESS. I VIEW THIS PROCESS, WHICH INCLUDES THE UPDATING OF EXISTING RECRUITING STRATEGIES DESIGNED TO STRONGLY FOCUS ON WOMEN AND MINORITIES, AS AN EXCELLENT OPPORTUNITY TO ASSURE THAT OUR FBI AGENTS OF THE FUTURE BOTH MIRROR THE DIVERSITY OF OUR SOCIETY AND CONTINUE TO BE THE BEST POSSIBLE INDIVIDUALS TO CARRY THIS AGENCY INTO THE 21ST CENTURY.

OUR NEW SELECTION SYSTEM WILL BE IN PLACE BY 1994, WHEN WE ARE EXPECTING OUR HIRING NEEDS TO BE MOST PRESSING DUE TO SIGNIFICANT, ANTICIPATED RETIREMENTS AMONG OUR INVESTIGATIVE AND, MORE IMPORTANTLY, OUR MANAGEMENT RANKS. WITH THE FBI'S ESTABLISHED TRACK RECORD, WE ARE UNDOUBTEDLY THE MOST EXPERIENCED OF U.S. LAW ENFORCEMENT AGENCIES IN UTILIZING SOPHISTICATED AND INTRUSIVE TECHNIQUES SUCH AS UNDERCOVER OPERATIONS AND ELECTRONIC SURVEILLANCES. WHILE THESE TECHNIQUES ARE ESSENTIAL TO THE SUCCESS OF COMPLEX INVESTIGATIONS, WE MUST ENSURE THAT INTERNAL

PROCEDURES ARE FOLLOWED THROUGH CLOSE INVESTIGATIVE SUPERVISION AT THE FIELD LEVEL. TO ADDRESS THIS NEED AND TO ENSURE THE QUALITY OF OUR INVESTIGATIVE PRODUCT, I HAVE, OVER THE LAST FOUR YEARS, TAKEN ACTIONS TO CREATE SUPERVISORY POSITIONS IN THE FIELD, REDUCING THE SPECIAL AGENT TO SUPERVISOR RATIO FROM 15.9 : 1, IN 1987, TO 13.1 : 1, IN 1992.

OUR OFFICE OF EQUAL EMPLOYMENT OPPORTUNITY AFFAIRS (OEEOA) HAS WORKED DILIGENTLY TO IMPLEMENT THE FBI'S EEO INITIATIVES, MANY OF WHICH HAVE PREVIOUSLY BEEN OUTLINED IN DETAIL TO THIS COMMITTEE. WITH SEVERAL OF THESE, HOWEVER, WE HAVE SEEN TREMENDOUS PROGRESS OVER THE PAST YEAR. OUR EEO TRAINING OFFICER HAS BEEN IN PLACE AT THE FBI ACADEMY FOR OVER A YEAR, AND EEO TRAINING IS NOW BEING OFFERED IN BOTH NEW AGENT AND IN-SERVICE TRAINING COURSES. EEO TRAINING IS ALSO BEING OFFERED IN THE FIELD. WITHIN THE OEEOA WE NOW HAVE A FULLTIME ATTORNEY WHO PROVIDES LEGAL COUNSEL ON EEO MATTERS. IN THE FIELD WE HAVE EXPANDED THE NUMBER OF EEO COUNSELORS TO OVER 300. AN EEO COMPLAINT DATABASE HAS BEEN DEVELOPED TO MAINTAIN PERTINENT INFORMATION ON PENDING AND CLOSED EEO COMPLAINTS WHICH WILL ASSIST IN IDENTIFYING PATTERNS OR PROBLEM AREAS THAT MAY REQUIRE EXAMINATION.

OVER THE PAST YEAR, WE OBTAINED FEEDBACK FROM A REPRESENTATIVE SAMPLING OF AGENTS THROUGH AN EMPLOYEE SURVEY. THE SURVEY WAS DESIGNED TO EXAMINE NUMEROUS ISSUES RELATING TO PERSONNEL ISSUES, AND THE RESULTS WERE CAREFULLY STUDIED BY A SPECIAL COMMITTEE WHICH CONSULTED WITH NUMEROUS FBI OFFICIALS, MINORITY LEADERS AND EDUCATORS, AND MEMBERS OF THIS COMMITTEE. I

AM NOW REVIEWING RECOMMENDATIONS MADE BY THE SURVEY COMMITTEE. IT IS OUR INTENTION TO CONDUCT A SIMILAR SURVEY IN ANOTHER TWO OR THREE YEARS TO COMPARE RESULTS AND ASSESS OUR PROGRESS IN ADDRESSING PROBLEM AREAS.

THE OEEOA'S VARIOUS COMMUNITY OUTREACH EFFORTS AND SPECIAL PROGRAMS CONTINUE TO RECEIVE SIGNIFICANT ATTENTION. IT IS SIGNIFICANT THAT, IN MAY, THE FBI WILL CELEBRATE THE 20TH ANNIVERSARY OF WOMEN IN OUR SPECIAL AGENT RANKS, AND WE ARE PROUD THAT, IN THIS ANNIVERSARY YEAR, WE ARE SEEING GREATER NUMBERS OF WOMEN AND MINORITIES BOTH ENTERING AND BEING PROMOTED WITHIN OUR MANAGEMENT RANKS. LAST MONTH, FOR EXAMPLE, BURDENA PASINELLI WAS NAMED AS THE FBI'S FIRST FEMALE SPECIAL AGENT IN CHARGE TO HEAD OUR ANCHORAGE OFFICE. WE ARE STILL IN THE PROCESS OF DEVELOPING A NEW MANAGEMENT SELECTION SYSTEM, NOW RENAMED THE EXECUTIVE DEVELOPMENT AND SELECTION PROGRAM, AND ARE IN THE PROCESS OF REVIEWING BIDS TO HIRE A CONTRACTOR TO DEVELOP THE NEW SYSTEM. ALREADY, WE HAVE ALREADY IMPLEMENTED A GRIEVANCE PROCEDURE AND HAVE APPOINTED A FULLTIME SENIOR EXECUTIVE SERVICE ADMINISTRATOR TO OVERSEE THE PROGRAM.

(CONCLUSION)

EACH YEAR, I HAVE OUTLINED THE FBI'S BANNER ACCOMPLISHMENTS. THE FBI CONTINUES TO CONCENTRATE ITS EFFORTS, UTILIZE ITS DIVERSE EXPERTISE -- AND INNOVATE -- TO EFFECTIVELY UPHOLD OUR MANDATED INVESTIGATIVE RESPONSIBILITIES. AS DIRECTOR, I HAVE NEVER BEEN MORE CHALLENGED TO SERVE THE PEOPLE OF THIS NATION OR MORE PROUD OF THE FINE MEN AND WOMEN OF THE FBI. THIS CONCLUDES MY PREPARED STATEMENT.

Mr. EDWARDS. Director Sessions, since we have a full house here today, we will be operating under a loose 5-minute rule. I recognize and welcome the gentlewoman from Colorado, Mrs. Schroeder.

Mrs. SCHROEDER. Well, thank you, Mr. Chairman.

And, Director Sessions, I wish I were as positive as you were. As a woman, I'm very disappointed in the FBI. I wish you had Operation Safe Clinics. I have been in family planning clinics when people come crashing through, when it's taken police forces to get people through, and somehow the FBI doesn't seem to think women have any right to go to a clinic to have their health care needs taken care of. I find it pretty amazing that you want all this money and you're going to go out and look for national security threats and put together a national security threat list, and, as a woman, the threat to I think the very core of my being, being able to get health care, is being challenged and I see you guys with your head in the sand or afraid politically to take it on.

Now in the sixties it was the FBI I was so proud of. I grew up in the sixties and was out, spent weekends going to the South registering voters, trying to get people in to vote. And, by golly, the FBI didn't allow people to say, no, you can't vote; no, you can't register; no, you didn't do it. They did fabulous things, but somehow women don't count.

And I absolutely do not see how you can draw a distinction. I know you do and I know we've got legal answers from the FBI forever and ever, but Wichita broke my heart. It broke my heart to see the United States of America say, "Well, yeah, but women, you know, I mean that's OK; they can go down; they can move in." They came across State lines. I mean, I'm a lawyer from Harvard Law School; I can give you 500 things that you could have acted on if you wanted to, but we allowed that thing to go crazy and get out of hand. I just must say I'm very sad today that we don't care about that.

I must also say that on guns I have not seen the FBI out there. I've ridden with my police in Denver, and we've had many more killed than we've had in a long time—more guns, more automatic weapons. Where is the FBI? Cities aren't going to be safe if you've got gangs and guns running around, and we do, and people don't have any kind of response. I know, we have trouble here on the House floor getting those things through, but on the House floor people were saying, well, if the guy hadn't had this semiautomatic weapon in Luby's Cafeteria, he could have killed people with a knife. Somehow I believe that somebody could have gotten him stopped before he killed 22 people.

But I just have been disappointed that you're more into how can we wiretap better and please don't let them put new equipment because we won't be able to wiretap as well. We're still looking for international threats, and your budget has doubled in 10 years. Supposedly internationally things have gotten better, but the streets have gotten much less safe, and for women it's gotten very tough.

We have to volunteer every weekend in Denver, CO; wear T-shirts and walk people into the clinic to get them in there, because the Federal Government and other people don't want to protect them. And I'm angry about it.

Mr. SESSIONS. Everything you have said, Congresswoman Schroeder, underscores the importance of the Bureau's activity in connection with violent crime—every single thing you have mentioned—

Mrs. SCHROEDER. Well, where are they then?

Mr. SESSIONS [continuing]. On violence. It was this very concern that led me in 1989—it was the summer of 1989—to name violent crime across all FBI programs—that is, across all 260-plus statutes—as a priority. So that if there was violence involved in any one of the statutes over which we have jurisdiction, that it would then receive priority attention and priority resources, and each of those do, absolutely.

The second thing that happened in naming violent crime as a priority is probably even more important, because it allowed us to begin to pull together the threads that had to be built in order to support local law enforcement. There are 600,000 police officers out there in this country. They need all the support we can give them through training, through the National Crime Information Center, through the National Center for the Analysis of Violent Crime, through the DNA technology, which, by the way, will help women and children more than any other single group by the technology. These things will allow us to be a supportive mechanism with our 10,000 agents out there across the country.

We have not invaded other jurisdictions. For instance, with the clinics—and I know they are of great concern—you know where the jurisdiction falls there and you know the agency that has it and has done it. You know our record in civil rights. We had over 4,000 investigations last year, half of which were brutality and similar punishment complaints. We pursue them very vigorously, and we will continue to.

[The following information, based on Department of Justice submissions, summarizes the Governments' criminal civil rights program:]

**CIVIL RIGHTS PROSECUTIONS NATIONWIDE BY YEAR (1981-1991)**  
 Compiled from annual Department of Justice statistics

<u>Year</u>	<u>Complaints Received</u>	<u>Investigations</u>	<u>Cases Presented to Grand Jurors</u>	<u>Indictments</u>	<u>Informations</u>	<u>Defendants (Police Officers)</u>	<u>Trials</u>	<u>Convictions/ Acquittals</u>	<u>Guilty Pleas</u>
1991	9,835	3,583	62	43	25	129(64)	26	36/13	72
1990	7,960	3,050	46	30	33	97(35)	14	17/3	51
1989	8,053	3,177	40	26	33	84(21)	23	23/10	68
1988	7,603	2,892	44	35	8	71(49)	30	21/26	50
1987	7,348	2,826	57	40	18	105(74)	24	17/17	36
1986	7,546	2,792	49	35	14	112(70)	34	55/20	41
1985	9,044	2,970	56	35	13	106(67)	30	41/21	36
1984	8,617	3,410	48	36	10	93(*)	29	40/*	33
1983	10,457	3,259	54	31	8	85(*)	21	28/*	23
1982	10,327	3,227	81	50	6	98(*)	43	27/*	25
1981	11,064	3,390	62	42	5	80(*)	32	31/*	18

(\* indicates data unavailable)

Mr. SESSIONS. But it's absolutely essential that with our where-withal we provide that support for the police who are out there and who are the "thin blue line," as they're so often described, out there on the community scene. I believe that the violent crime program, including the reprogramming of 300 special agents—and I hope you'll ask about that later; what we intend to do with those people and how I hope and believe they will make an impact, because it is important.

Mrs. SCHROEDER. I guess I just am so saddened that women aren't included in civil rights. I thought we were. I thought that we were part of America. I salute what you do in civil rights. I think that's wonderful. If there's religious violence, you're there. If there's racial violence, you're there. If it's against women, you're gone. And I guess that's what I'm seeing that bothers me so much.

I understand it's political. I understand the administration's position. I understand all that, and I know that's where you're coming from. But I'm tired of paying taxes to an organization that doesn't represent me, and that's what I—you know, I just am tired of it. There is absolutely no distinction I can see between clinic violence and voting violence, and yet you're there then, and that's great and I'm for that. I'm just sorry that your concept of justice hasn't grown to include me and my daughter and her friends and other people who are being subjugated to that. So I understand what you're saying.

And I also think on the police I would wish that, too, what you've been doing institutionally helps, but what we are seeing happening to police families is also devastating. And I would hope that the FBI would become a more family-friendly type of organization where you look at what is really eroding the law enforcement officers' families. Statistics on law enforcement officers' families are some of the worst in the country, and we can explain it because of the tension and everything else, but we also know that psychologically it's very difficult for law enforcement officers to get help because people think they have lace on their jockey shorts.

Your agency speaking out and trying to get police forces doing more to reach out to those families could be very helpful, too, because we all know that the family violence and divorce and everything happening in law enforcement families is devastating. So I would hope we could talk you into some leadership there.

I thank you.

Mr. SESSIONS. If I may respond very briefly, I would hope that you will find that the DNA technology and the impact that it has on the ability to identify those people who are involved in violence against women and children will be one of those areas where you will give us good support. That particular technology, if people who are attacked will know that they can go to the police and they can harvest the genetic material—

Mrs. SCHROEDER. Sure.

Mr. SESSIONS [continuing]. And we can positively identify, we will aid women and children immeasurably in the criminal justice process by being able to identify those attackers. And you know the figures and statistics, or if you don't, I would make them available to you.

Mrs. SCHROEDER. No, I know.

Mr. SESSIONS. The effectiveness of it is tremendous.

I would commit to you that the FBI will continue within its jurisdictional levels and limits to carry out its responsibility every time there is violence that is involved, and certainly in the civil rights area you know of our responsibility. I continue to commit to that.

Mrs. SCHROEDER. But, sir, I respectfully say I support that 100 percent, that's wonderful, but I don't need DNA technology to know who's writing the books, who's crossing State lines, and who's out advocating constantly how you can stop women having access to clinics. That, to me, looks like a conspiracy across State lines. We've got photographs. We've got publications. We've got books and they use the phones.

So I'm glad we've got some new stuff on the future of these one-on-one, but also I think it's violence against women not to allow them to take care of their health.

Mr. EDWARDS. The time of the gentlewoman has run out, and we will have second and third rounds, whatever is necessary.

As the Director knows, our statute that we reported from this subcommittee on DNA is languishing in the other body, subject to a filibuster, with the entire crime bill.

The gentleman from Illinois, Mr. Hyde.

Mr. HYDE. Thank you, Mr. Chairman.

Mr. Sessions, the Bureau's proposed legislation to deal with changes in telephone technology, these changes have seriously jeopardized the ability of the agency, the Bureau, to perform legally authorized wiretaps. Have you encountered a situation where you could not conduct lawful electronic surveillance operations due to inadequate technology?

Mr. SESSIONS. As the technology evolves, as digital telephony become more prevalent, just as in the case of the cellular phones and the use of the cellular capability, as these things become more prevalent, then we have greater difficulty being able to technically carry out the court-authorized tapping of those capabilities. So, yes, we are deeply concerned, and we have taken an affirmative action in that connection to propose the legislation, through the Department of Justice, that will effectively allow us simply to stay even with where we are; that is, to have the same access that was given to us by the title III enactment in Congress in 1968. This is critical.

Mr. HYDE. Judge Sessions, I noted in the previous questioner's tone, it seemed to me, a demeaning of the importance of national security issues now that the cold war is over, kind of that you were playing cowboy or something now that the threat is gone, and that's not as important as helping women get into clinics where their unborn child can be exterminated. And I understand the gentlelady's position.

Mrs. SCHROEDER. Will the gentleman yield? I don't believe that was my position, and if the gentleman from Illinois heard it that way, I apologize. I do believe national security is terribly important, but I also think personal threats and personal security are important. And by the gentleman having Operation Safe Streets, I would assume the Director agrees with me. So if the gentleman, if you don't mind, I would like to characterize my own testimony.

Mr. HYDE. I welcome your self-characterization. I'm just saying that the tone of your voice when you said "national security" I

thought was a little more dramatic than the gentlelady usually speaks, and I thought I noticed a disparagement of that as a viable function of the FBI. But if I misheard the gentlelady, I humbly apologize.

Mrs. SCHROEDER. Well, if the gentleman will yield again—

Mr. HYDE. I would be delighted to yield again to the gentlelady.

Mrs. SCHROEDER. I'm sorry if my tone connoted that to the gentleman. I do think national security is terribly important. My point was I think, hopefully, we can now look at some of the domestic issues, now that we don't have quite the cold war threat. There are still threats out there, but it's not quite the same magnitude right at the moment, and that's what I was trying to say: Let's focus on some of the things we think are things at home.

Mr. HYDE. Well, I appreciate the gentlelady's sentiment. I was about to say that the bombing of the Israel Embassy in Buenos Aires yesterday, which took a lot of life and just destroyed the building, seems to me is a domestic concern, if such were to happen in our country. And it would seem to me that, though the cold war is over, there are still many bleeding wounds around the world. There is ethnic nationalism. There is hatred and venom. And the job of the Federal Bureau of Investigation to protect us from domestic terrorism is unabated. I personally am delighted and pleased that the Bureau has taken some 300 agents and put them to more productive or more fruitful tasks, but I do not view very calmly the bombing—the IRA apparently over in London enjoys putting bombs in public train stations and killing innocent people. So I don't know that we're going to be immune indefinitely, and I personally think you people have your hands full keeping an eye on that, and I hope you continue to do that.

Mr. SESSIONS. Mr. Congressman, we are most fortunate that the Bureau has a combined ability to deal both with the law enforcement matters and the foreign counterintelligence and terrorism matters. By being able to do that, we were able to reap the benefit of our own analysis that began back in 1989 with the events that erupted at Tiannanmen Square and followed it; that is, to be sure that the FBI and its focus was on target and was able to say with particularity and define with particularity the source of the threat. And being able to do that, the development of a national security threat list was, in fact, the mechanism that allowed me with confidence to be able to reprogram those agents when I did; else, I could not have done it because I could not have been sure, had we not had that system, that the threat had been met. And our responsibility, my responsibility, is a sworn responsibility; that is, to protect and defend and to be sure that those threats to our national security are dealt with.

That event and the agreement of the Attorney General and the support of the Attorney General to take—if, in fact, I was wrong in my estimate and I was too liberal in the placing of additional agents in the violent crime program—that I could come back and seek reprogramming to bolster the foreign counterintelligence function.

Terrorism—and it was a multiple discussion—the terrorism aspect I'll discuss more fully. It is, in fact, a continuing concern and it is a matter that we will have to stay right on target, but I be-

lieve we're there. I believe we can do that, and it was for that reason that I was able to program the counterterrorism agents over into health care fraud, and to do it with some assurance that we could get it done and do it all.

Mr. HYDE. Thank you.

Mr. EDWARDS. The gentleman from Texas, Mr. Washington.

Mr. WASHINGTON. Thank you, Mr. Chairman.

Good morning, Judge Sessions.

Mr. SESSIONS. Good morning, sir.

Mr. WASHINGTON. As I believe you're well aware, I'm a great admirer and supporter of the Federal Bureau of Investigation.

Mr. SESSIONS. Yes, sir.

Mr. WASHINGTON. I understood the gentleman from Illinois to suggest that domestic terrorism—or perhaps maybe I didn't understand him clearly, but I didn't hear in his remarks the recognition of the decreased level of domestic terrorism that I found in your remarks. I had the opportunity to read your 58-page statement as well as your summary last night.

Mr. SESSIONS. Thank you. You're a patient man.

Mr. WASHINGTON. Am I incorrect in your assessment that domestic terrorism has not ceased but subsided and that the FBI feels confident that it is on top of, and in control of, that situation, such that it allows you to be able to look at other things that are happening domestically, so that you can make higher and better use of the forces available?

Mr. SESSIONS. That is an excellent summary, Congressman, and I would adopt it as my own. I would add one thing further. It's easy to forget, it was 10 years ago, just 10 years ago, that in 1 single year we suffered almost 100, or right in the neighborhood of 100, violent acts connected with terrorism in this country. Last year I believe there were seven, five that were associated with the independence movement in Puerto Rico; one was an environmental crimes issue; another one was an animal rights matter. So that I believe that we are on top of it.

But, again, the ability to stay there and be sure that we are, that we are zeroed in, is of critical importance. And if we are not, then I will come back and seek the reprogramming of those agents over into other areas. But I saw no reason to wait. Our resources are precious. They are spread thinly enough. And to be able to reprogram as I did has received strong support across the country, and I'm grateful for it.

Mr. WASHINGTON. Thank you, sir.

I recognize, of course, that you must—to say that we didn't have any for the last month, if we didn't have any, means that we can't reprogram those agents because the reason that the level is down is because the FBI, in its excellent way, as usual, has stayed on top of that situation. What concerns me is, as you know, we have to make policy judgments. I personally think that the Federal Bureau of Investigation is in excellent hands. I believe that you exemplify the kind of leadership that you instill in the rank-and-file agents that make them understand the quality and the level of professionalism that I've always associated with the FBI, and that feeling goes unchanged.

My question relates to the end of the cold war and the logical extension of that, I think, as you addressed in your remarks, to a diversion, if you will, a reprogramming of agents formerly assigned to the task of FCI which may now be made available for other uses. I think it is my judgment—and I will vote as a policy consideration—rather than eliminating those positions, I'd join in the idea that they should be reprogrammed. I know it costs an awful lot of money to train an FBI agent, and one shouldn't put those fine people out to pasture when we have problems here.

My policy consideration, however, is that I think that it's more important, a lot more important, to do something about the streets in this country, the drug dealers in this country, the gangs in this country, the level of violence that makes people here in Washington and elsewhere captives in their own communities. I live across the street from a park, but I wouldn't dare send my children across the street to that park. When I was growing up, I couldn't go too far from home. I could run away but I couldn't cross the street.

[Laughter.]

Mr. WASHINGTON. But I daresay that there were many days when my mother and father allowed me to go outside and ride my bicycle and they didn't know exactly where I was at the moment. Unfortunately, maybe it's my paranoia, but I think we live in a time, at least in this city and most of the major cities in this country, where parents who think well of their children wouldn't allow them to go two blocks from home without knowing where they are.

So, if I may, I would—and I will—vote at the appropriate time to fund all of the agents that you request in your budget, but I would like for you to think about and elaborate on for a moment, if I have a few more minutes, join me in some dialog back and forth. I think it's more important to put them in other programs. I think Safe Streets is an excellent program. I think it ought to be replicated across the country in towns large and small.

My only concern was where you listed as one of the FCI areas that you wanted to get into: "Foreign intelligence activities directed at the collection of U.S. industrial proprietary economic information and technology, the loss of which would undermine the U.S. strategic and industrial." And I'm not saying that that's not important. That sentence to me means that we need to have the FBI busy and alert, making sure that foreign private companies or governments—because a lot of countries don't operate the way we do; there's an infusion and a commingling of the private sector and the public sector in many ways in many countries around the world. That, to me, means that they're spying on us to get information on our technology that we developed through, many times, Federal R&D grants, and they spy and take that technology back and beat us to the punch in developing this, that, or the other, some kind of widget. That's important and I certainly don't mean to denigrate that.

But as a policy consideration from one, as you know, who comes from an urban area where we have many problems, unfortunately, in this day and time associated with an urban environment, I am going to vote in such a way as to divert as many of these resources that we no longer need, in my judgment, for FCI toward safe streets. I would rather have more of that and less of this.

I'm not asking you to join me in that because I understand you've made a policy decision, but when I vote on this I want to vote to put as many—and I know there would have to be a task force because there is always a tug with the local law enforcement people and you can't come in and take over, and many of these are not Federal crimes that we're talking about.

But the way I think in the past we've gotten around the federalization of many things that we thought, the Congress before I got here thought that the Congress should be involved in the Federal Government, both the ATF, Alcohol, Tobacco and Firearms, as well as the FBI, has been through the notion of a task force, where we send them Federal officers to assist local law enforcement, be they county, municipal, or whatever, working with them in a task force, even though it's not technically a Federal crime to do this. We've got to get these gangs off our streets. We've got to take back the streets for our people, and I want to make as many FBI resources available for that as possible. How can I do that without disrupting the overall notion of your program?

Mr. SESSIONS. I join you in your analysis, Mr. Washington. There are several things I would add to it, and I'm sure are in your mind.

First of all, from the publication in public source documents and magazines, it's very clear that the FBI, even though it has the lead foreign counterintelligence agency responsibility—for instance, I sit as the Chairman of the Inter Agency Group on Counterintelligence—even though it has the lead, it gains only a very, very minuscule part of the resources of the intelligence community. I'm sure you know that.

Mr. WASHINGTON. Yes.

Mr. SESSIONS. That doesn't rub me raw. It doesn't irritate me. I think that's a proper allocation. When we take that, if you characterize it, itty-bitty allocation for that, from that we carry out our entire foreign counterintelligence responsibility. Even with that small amount, I've found that we could more effectively and efficiently use it on a direct program, which I am prepared to discuss in detail with the committee, to be sure that our national security threat list concept was not impaired, which I have my hand in the air to protect. I'm sworn to do that. And I do believe that we're answerable to the committee's oversight that will tell us that we're on target. And national security threat list and that concept gives me the assurance that we are on target.

Who can tell in these days, when relationships have changed dramatically day by day, almost hour by hour, what will be the focal point of a threat against this country? And to be able to identify that and articulate it and respond to it properly is no small task. I'm confident that we can and will do it.

As to the placement of those resources over the task force concept, nothing could be more important than the reason why we are in that concept and what we intend to do with it. Can one person in a task force add substantially to the war on crime on the streets? The answer probably from most people would come back resoundingly no. There are now 600,000 officers out there who are still inundated with violent crime. My answer would be, yes, I believe we can, and the way we can is because with those gangs and with those circumstances that are reflecting violent crime in the

community, we can take and develop the possibility of sufficient evidence for prosecution by the Department of Justice under the continuing criminal enterprise statute, gang-related activity as a business, a RICO prosecution where all the fundamental elements that have been used to attack La Costra Nostra can also be used to attack these types of gangs that are in the business of crime; the conspiracy statutes; the interstate transportation aid-to-racketeering statutes; the kidnaping statute—those violent crime statutes of which we have an arsenal—and apply to that gang that that task force is working on the overlay of the criminal power of the Federal Government, and literally to destroy those gangs.

We hope that will happen. If we're wrong, if it doesn't happen, we've tried. But the response from local law enforcement, from chiefs and sheriffs, from people across this country has been phenomenal. They welcome it. They know the Bureau is sharing. They know the Bureau is doing everything we possibly can to underpin them in the violent crime effort across this country, and have been doing so in spades since 1989.

Mr. EDWARDS. The time of the gentleman has expired.

The gentleman from North Carolina, Mr. Coble.

Mr. WASHINGTON. I thank the chairman.

Mr. COBLE. Thank you, Mr. Chairman.

Judge Sessions, it's good to have you back with us.

Mr. SESSIONS. Thank you, sir. Good morning.

Mr. COBLE. I think on balance, Judge, you all at the FBI do a good job. Not unlike every other Federal agency in existence, I think you could probably do it in a more fiscally prudent way. I don't think there's a Federal agency operating that couldn't operate more tightly fiscally than they do.

Mr. SESSIONS. We struggle with that. You're correct, we have to work at it.

Mr. COBLE. Thank you, sir. Thank you for admitting it. Most of these folks won't admit it. I'm not dressing you down, but they come to the Hill and head straight for the money bucket. And even though the money bucket is overflowing in red ink, they manage to some way walk off with Federal money. And I like the way people impersonally refer to "Federal money." Well, Federal money is money that belongs to you, to me, the chairman, constituents back home. Anyway, having said that, I want to repeat I think you all do a good job.

My colleagues this morning have talked about terrorism. I want to talk about fiscal or financial terrorism. About 1 year ago, Judge—and I'm doing this strictly from memory so don't hold me to it; unlike you, I'm not under oath—

Mr. SESSIONS. All right, sir.

Mr. COBLE. But about 1 year ago—and, Henry, you and the chairman will remember this—I questioned you and/or your colleagues from the Bureau about the proposed move to West Virginia, the Identification Division on the tracks rolling to West Virginia. Well, I expressed deep and notorious and open concern about that way back yonder. Well, I think it's going to happen now. I think it's a done deal.

I asked one of your agents—I don't think it was you; it even may have been you—if you all thought it was a cost-effective move, and

the answer was in the affirmative. I understand that. You all are not in a position to override what goes on on this Hill, particularly in the other body where there's a whole lot of muscle in their arms. I've got enough sense to know that.

But, Judge, I don't think it's cost-effective. I think it's cost-extravagant. I think it's cost-wasteful.

My question is: Are there any other surprises? I mean, I'm coloring the Identification Division gone. I think that's out the window, and that's going to go down there. If there are other parts or portions of the FBI operation, or anywhere else in Justice or Treasury, that you all know about, I'd like for those of us on this committee to know it before the guy with muscle in his arm closes the deal.

Mr. SESSIONS. I will share with you, Mr. Congressman, that there probably are surprises, but I would be remiss if I didn't tell you I'm doing my dead-level best to share those surprises with you. West Virginia, although the location may have ended up being a surprise, the need and demand for what is being brought about in West Virginia—and it was I who did answer your question. Yes, it is cost-effective in many, many ways. The need to have the revitalization and relocation of that Division was clear 10 years ago.

There were two different efforts made to relocate that Division. The reason why was driven in part by cost. The turnover in the Identification Division I think in 1985—maybe it was 1986, and the record will reflect it—was 34 percent. We could not hire and maintain. We could not keep it. It was recognized the moment I became Director; in that very year there were 17 automated fingerprint identification systems scattered throughout this country. All of them were computerized, were electronic. None of them could talk to each other. None of them could certainly talk to the Bureau, which did not have electronic or automated records. We were relegated to having ultimately no meaningful, timely impact on what was happening out there in the country with the movement of criminals across this country.

It was not unusual to have a criminal in Florida who would then not be identified from their system, and it might take us weeks to get it done. Mr. York, the Assistant Director of the Identification Division, is here and knows that in some instances that happened. A record would be sent to California and they'd find them in their electronic system very quickly.

What I'm driving at is either we had to surrender and say that the Bureau's 30 million criminal fingerprint cards were of no meaningful help in connection with crime now, with the movement interstate of criminals, with the spawning of violent crime and criminal activity across this country, or we had to do something about it.

What we did, I came up to the Hill and looked at and talked at and discussed automated latent fingerprint identification systems as a pilot, and we were not able to get those things done, although the Congress was sympathetic. Ultimately, the Congress recognized the dire emergency that we were in. Either we were able to tie into these 34 systems across this country, which ultimately will become 50 or 60, either we can provide almost instantaneous response or we can't. The only hope to be able to do it was in the electronic capability. Either we had it there or we could not do it.

And so, yes, it is very cost-effective. Of those 34 systems out there in this country, they cost between \$4 million and \$420 million each, and there are now 34 of them. When you look at what it takes to tie that together, not to bring all those records to Washington, but to tie it together to effectively electronically deal with this information, and to transmit it, to transmit the image of the fingerprint and the image of the person, this is what NCIC 2000 will do for us in that particular phase. It is costly. The NCIC 2000, Mr. Chairman, I think will end up costing us \$78 million, of which you have now already appropriated \$17 million, \$22 million, and there's \$22 million in this budget this year. It will be cost-effective because it will help us across the country federally, State, locally, and internationally, to the extent we share it with Canada and other countries, in identifying the criminals who move so fast, move so diligently and carefully, that unless we're going to give up on it and say, well, we just won't use that technique at all, we have to meet it. I think we're doing it there.

I didn't mean to be so argumentative about it—

Mr. COBLE. That's OK.

Mr. SESSIONS [continuing]. But I'm very strong in my feeling that we are cost-effective.

Mr. COBLE. Well, I gave my sermon; you're entitled to give yours. Judge, I appreciate that.

Mr. SESSIONS. Thank you, sir.

Mr. COBLE. I remain unconvinced, but I think you're a good man, Judge. I think you're a good Director, and I appreciate your admission that you, too, are concerned about fiscal recklessness that abounds in this town.

Now I think we're going to have a hearing, Mr. Chairman, on that proposal.

Mr. EDWARDS. Yes.

Mr. COBLE. I hope I'm able to attend that.

Judge, thank you very much for being with us.

Mr. SESSIONS. Thank you. If I may respond further, I would certainly welcome the opportunity any time and every time to avail you of briefing in connection with any and all these matters where you have questions.

Mr. COBLE. And, Mr. Chairman, if I may just one more moment, when you said, Judge, that there may be other surprises, if there are other rabbits in that hat, I hope at least you'll let us know about it before we read about it in the papers or see it on TV.

Mr. SESSIONS. Well, what I did do is today I talked to you briefly in my remarks about the founding of the Criminal Justice Information Services Division. That is a new division. I do not perceive profound budgetary impacts from that, but a new division is a new division. We'll gain strength and parts from other divisions, but the point is that I anticipate that it also will have such an impact on the ability of local law enforcement across this country to be tied together that it will be worth every penny, whatever it is we finally do need in that regard.

Mr. COBLE. Thank you, Judge. Thank you, Mr. Chairman.

Mr. EDWARDS. The gentleman from Oregon, Mr. Kopetski.

Mr. KOPETSKI. Thank you, Mr. Chairman. I certainly want to welcome Judge Sessions to our committee meeting this morning.

Before I get into my line of questioning, I'd really like to just state for the record the sense of agreement that I have with my distinguished colleague from Colorado, Ms. Schroeder, who also serves on the Armed Services Committee. I thought that her point was well made, that, yes, there are national security issues which the FBI has jurisdiction over investigating, but also that there are domestic issues as well that affect people in the community. I thought of it in sort of a different way, that what she was getting at in terms of women being protected when they exercise their right to access health care in the United States, that I really wonder if treatment and attitudes and law enforcement would be different if there were barriers being set up to men in trying to access health clinics in the United States.

I want to commend Judge Sessions and my folks in the Oregon office in working with our local law enforcement, but particularly in the area of drug crime fighting. I get glowing reports all the time from my local law enforcement people on how well the local FBI works with them as a team. I know that's not true in all parts of the country, but Oregon is one of your gold stars.

And also the fact that our people truly value the National Academy program, that they come back with glowing reports and there's a waiting list, as you well know, to participate in that program.

My constituents also tell me about the Federal deficit and the fact that we have to get a handle on this. Your budget, with this increase, if granted, would increase by about 215 percent since 1980. This is right out of the income tax. There are no fees or anything that help you with your budget, like we do with our roads and bridges.

What do I say to them when I say, yes, part of this deficit is the fact that we're tripling in this decade the FBI budget?

Mr. SESSIONS. What you tell them is something that we could and should help you tell them. For instance, the increase this year, which will take us over the \$2 billion mark, is \$130 million, and I know that. Those things that are part of this budget, I believe if you take them out to any single person across Oregon, they will say to you, yes, we believe that those areas are, in fact, important. If you take drugs and deal with our regional drug intelligence squads to be able to support the National Drug Intelligence Center, to be able to deal with the drugs and the organizations that are moving them in this country, I think if you go into white-collar crime and look at the financial institution fraud and the allocation of 50 agents, if you go into health care fraud with the allocation of 35 additional agents, to increase those that I've reprogrammed already, the 50 that I reprogrammed already, if you take the economic crimes issues and look at those things that directly affect them, the frauds that are involved in those, they will all say yes. If they look at counterterrorism and they look at Talladega and realize that it was our hostage rescue team that brought us out of that without a single injury, much less a death related to our activities—one inmate jumped off a bunk and slashed his head open. We didn't do it; it just happened.

The point is that the increase of the hostage rescue team and its ability to react to terrorist activities—hijackings and all the things that can happen. I think your people will say, "You bet, that is a

proper use of FBI funding." If you take technical equipment and field and support for tactical operations, I think they will say that's what we want our FBI doing. That is what the FBI is designed to do for the Nation, not just for Oregon, but for the Nation.

I would hope we could help you tell it better. Any of those areas of justification that you need for our budget, you're entitled to have and hopefully support.

Mr. KOPETSKI. When we talk about our own neighborhoods, I'm sure that I can be very persuasive when we talk about the change that the fact that the Soviet Union doesn't exist; that we're no longer fighting the cold war. What do I say to them, what do you say to them, in terms of what our national security threat is? Who is it? Who is our chief national security threat today? We used to know that. Under the cold war, it was real easy; it was the Soviet Union; it was the commies. So what is it today?

Mr. SESSIONS. It's a little bit more difficult to tell. I've made no secret of it. The reason why we were able to reprogram the 300 was because of the cessation or diminution of activity. I can go down the states of Poland and Czechoslovakia and Hungary. I can go down into East Germany. I can go down to those areas where there is no longer the activity that there was, which will take and give me the ability to do the reprogramming. I do not know what will come out of the former Soviet Union's states, but I have testified publicly, and I've said it publicly, that we see no diminution of activity at all. And, in fact, we read publicly that they don't intend to have—

Mr. KOPETSKI. I'm not understanding. Who is the activity? Who is the "they?"

Mr. SESSIONS. Well, of course the change is up to them.

Mr. KOPETSKI. Are we talking Russians? Are we talking—

Mr. SESSIONS. We are talking Russians; that is correct. We are talking former members of the Soviet Union. So we've seen no diminution of activity is what I'm saying.

Mr. KOPETSKI. They're still the threat?

Mr. SESSIONS. In some places it is and in some places it is not. We do have that diminution in the areas that I've mentioned.

Mr. KOPETSKI. So they are still the No. 1 threat?

Mr. SESSIONS. I would say they are still in that circumstance where they are seeking to find those technologies and those capabilities that are identified on the threat list, yes.

Mr. KOPETSKI. I want to move into a different area of questioning, Mr. Chairman, I'm curious about. Do I have a moment or so to—

Mr. EDWARDS. Yes.

Mr. KOPETSKI. I want to move into the digital telephone issue.

Mr. EDWARDS. Yes.

Mr. KOPETSKI. And I know my time will expire, but I'll come back to it. Your proposal, is it intended to expand the types of communication systems to which you would have access?

Mr. SESSIONS. It is designed to keep us even with our ability to respond to a court-authorized interdiction or path, if you would. I do not know what kinds of equipment will ultimately be out there, but when we seek that authorization through the court process, we need to be sure that whatever the technology is out there, that we

are able to overcome it. And so essentially it's a stay-even proposition. We are not seeking anything we don't already have. We're simply seeking the ability to be sure that, because of the technology progress, that we are able to carry out the court-authorized tap, the court-authorized activity.

So I do not know what new equipment will be out there. For instance, if you had asked me this question 5 years ago, and I said, no, we do not seek to access new equipment, well, of course there are all types of new equipment, including the cellular phones, these types of things which are new technologies.

So I'm simply saying that we want to keep ourselves where title III put us 25 years ago in 1968.

Mr. KOPETSKI. Let me ask, then, about—let's start with a cellular telephone system.

Mr. SESSIONS. Yes.

Mr. KOPETSKI. I assume you have the ability to tap into that today?

Mr. SESSIONS. We have the capabilities to do pretty much what the existing technology allows us to do, except in the area of digital telephony, yes.

Mr. KOPETSKI. Because cellular, it's an open air wave. In fact, people are always warned that they should be—if you're a business person and you want to keep something a trade secret, you shouldn't discuss it on your cellular phone. So I imagine these are readily accessible.

Mr. SESSIONS. Well, you know that I'm not a technically trained person. Mr. Bayse is here this morning with us and does have that technical capability, and I'll allow a briefing for you. But, yes, we can access almost with interference except the digital telephony capability.

Mr. EDWARDS. Will the gentleman yield?

Mr. KOPETSKI. Yes, I would be glad to yield.

Mr. EDWARDS. I will grant you additional time because I think this is a very important subject that we should address.

This statute that you're asking us to enact—

Mr. SESSIONS. Yes.

Mr. EDWARDS [continuing]. Would that require—well, first, how many telephone manufacturers are there in the country?

Mr. SESSIONS. Mr. Chairman, I do not know. There are a number of them. I really do not know. I'll try to get that information for you.

Mr. EDWARDS. There very well could be dozens or even hundreds, I presume?

Mr. SESSIONS. I presume there are, in fact.

Mr. EDWARDS. And you are saying, by this statute, that you are going to require everyone to cooperate with the FBI in the manufacture of these telephones; is that correct?

Mr. SESSIONS. What we are proposing is that the FCC—that is, the communications authority in this country—in conjunction with and in coordination with the Attorney General of the United States, promulgate such regulations as may be necessary in order to allow us to continue to have the access we have under title III, and to require those manufacturers, after proper notice, to be able to make that possible. Built into the statute would be, or into the

requirements would be, some way to enforce that requirement; yes, sir.

[The FBI legislative proposal at the time of the Director's testimony follows:]

102nd Congress  
2nd Session

S. \_\_\_\_\_

Amendment No. \_\_\_\_\_  
Offered by M. \_\_\_\_\_

1 SEC. 1. FINDINGS AND PURPOSES.

2 (a) The Congress finds:

3 (1) that telecommunications systems and networks are often  
4 used in the furtherance of criminal activities including  
5 organized crime, racketeering, extortion, kidnapping, espionage,  
6 terrorism, and trafficking in illegal drugs; and

7 (2) that recent and continuing advances in  
8 telecommunications technology, and the introduction of new  
9 technologies and transmission modes by the telecommunications  
10 industry, have made it increasingly difficult for government  
11 agencies to implement lawful orders or authorizations to  
12 intercept communications and thus threaten the ability of such  
13 agencies effectively to enforce the laws and protect the national  
14 security; and

15 (3) without the assistance and cooperation of providers of  
16 electronic communication services and private branch exchange  
17 operators, the introduction of new technologies and transmission  
18 modes into telecommunications systems without consideration and  
19 accommodation of the need of government agencies lawfully to  
20 intercept communications, would impede the ability of such  
21 agencies effectively to carry out their responsibilities.

22

1 (b) The purposes of this Act are:

2 (1) to clarify the duty of providers of electronic  
3 communication services and private branch exchange operators to  
4 provide such assistance as necessary to ensure the ability of  
5 government agencies to implement lawful orders or authorizations  
6 to intercept communications; and

7 (2) to ensure that the Federal Communications Commission,  
8 in the setting of standards affecting providers of electronic  
9 communication services or private branch exchange operators, will  
10 accommodate the need of government agencies lawfully to intercept  
11 communications.

12 SEC. 2. Title II of the Communications Act of 1934 is amended  
13 by adding at the end thereof the following new sections:

14 "SEC. \_\_\_\_ . GOVERNMENT REQUIREMENTS.

15 "(a) The Federal Communications Commission shall,  
16 within 120 days after enactment of this Act, issue such  
17 regulations as are necessary to ensure that the government  
18 can intercept communications when such interception is  
19 otherwise lawfully authorized.

20 "(b) The regulations issued by the Commission shall:

21 "(1) establish standards and specifications for  
22 telecommunications equipment and technology employed by  
23 providers of electronic communication services or  
24 private branch exchange operators as may be necessary  
25 to maintain the ability of the government to lawfully  
26 intercept communications;

1           "(2) require that any telecommunications  
2 equipment or technology which impedes the ability of  
3 the government to lawfully intercept communications and  
4 which has been introduced into a telecommunications  
5 system by providers of electronic communication  
6 services or private branch exchange operators shall not  
7 be expanded so as to further impede such ability until  
8 that telecommunications equipment or technology is  
9 brought into compliance with the requirements set forth  
10 in regulations issued by the Commission;

11           "(3) require that modifications which are  
12 necessary to be made to existing telecommunications  
13 equipment or technology to eliminate impediments to the  
14 ability of the government to lawfully intercept  
15 communications shall be implemented by such providers  
16 of electronic communication services and private branch  
17 exchange operators within 180 days of issuance of such  
18 regulations; and

19           "(4) prohibit the use by electronic communication  
20 service providers and private branch exchange operators  
21 of any telecommunications equipment or technology which  
22 does not comply with the regulations issued under this  
23 section after the 180th day following the issuance of  
24 such regulations.

25           "(c) For the purposes of administering and enforcing  
26 the provisions of this section and the regulations

1       prescribed hereunder, the Commission shall have the same  
2       authority, power, and functions with respect to providers of  
3       electronic communication services or private branch exchange  
4       operators as the Commission has in administering and  
5       enforcing the provisions of this title with respect to any  
6       common carrier otherwise subject to Commission jurisdiction.  
7       Any violation of this section by any provider of electronic  
8       communication service or any private branch exchange  
9       operator shall be subject to the same remedies, penalties,  
10      and procedures as are applicable to a violation of this  
11      chapter by a common carrier otherwise subject to Commission  
12      jurisdiction, except as otherwise specified in subsection  
13      (d).

14       “(d) In addition to any enforcement authorities vested  
15      in the Commission under this title, the Attorney General may  
16      apply to the appropriate United States District Court for a  
17      restraining order or injunction against any provider of  
18      electronic communication service or private branch exchange  
19      operator based upon a failure to comply with the provisions  
20      of this section or regulations prescribed hereunder.

21       “(e) Any person who willfully violates any provision  
22      of the regulations issued by the Commission pursuant to  
23      subsection (a) of this section shall be subject to a civil  
24      penalty of \$10,000 per day for each day in violation.

25       “(f) To the extent consistent with the setting or  
26      implementation of just and reasonable rates, charges and

1        classifications, the Commission shall authorize the  
2        compensation of any electronic communication service  
3        providers or other entities whose rates or charges are  
4        subject to its jurisdiction for the reasonable costs  
5        associated with such modifications of existing  
6        telecommunications equipment or technology, or with the  
7        development or procurement, and the installation of such  
8        telecommunications equipment or technology as is necessary  
9        to carry out the purposes of this Act, through appropriate  
10       adjustments to such rates and charges.

11       "(g) The Attorney General shall advise the Commission  
12       within 30 days after the date of enactment of this Act, and  
13       periodically thereafter, as necessary, of the specific needs  
14       and performance requirements to ensure the continued ability  
15       of the government to lawfully intercept communications  
16       transmitted by or through the electronic communication  
17       services and private branch exchanges introduced, operated,  
18       sold or leased in the United States.

19       "(h) Notwithstanding section 552b of Title 5, United  
20       States Code or any other provision of law, the Attorney  
21       General or his designee may direct that any Commission  
22       proceeding concerning regulations, standards or  
23       registrations issued or to be issued under the authority of  
24       this section shall be closed to the public.

25       "(i) Definitions -- As used in this section --

1           "(1) 'provider of electronic communication  
2           service' or 'private branch exchange operator' means  
3           any service which provides to users thereof the ability  
4           to send or receive wire, oral or electronic  
5           communications, as those terms are defined in  
6           subsections 2510(1) and 2510(12) of Title 18, United  
7           States Code;

8           "(2) 'communication' means any wire or electronic  
9           communication, as defined in subsection 2510(1) and  
10          2510(12), of Title 18, United States Code;

11          "(3) 'impede' means to prevent, hinder or impair  
12          the government's ability to intercept a communication  
13          in the same form as transmitted;

14          "(4) 'intercept' shall have the same meaning as  
15          set forth in section 2510(4) of Title 18, United States  
16          Code;

17          "(5) 'government' means the Government of the  
18          United States and any agency or instrumentality  
19          thereof, any state or political subdivision thereof,  
20          the District of Columbia, and Commonwealth of Puerto  
21          Rico; and

22          "(6) 'telecommunications equipment or technology'  
23          means any equipment or technology, used or to be used  
24          by any providers of electronic communication services  
25          or private branch exchange operators, which is for the

- 7 -

1            transmission or receipt of wire, oral or electronic  
2            communications."  
3 SEC 3. Section 510, Title V, P.L. 97-259 is amended deleting the  
4 phrase "section 301 or 302a" and substituting the phrase "section  
5 301, 302a, or \_\_\_\_."  
6

Mr. EDWARDS. You answered the question that you're going to require that all the telephone manufacturers are to really take instructions from the FBI as to how they're going to manufacture their telephones in order to protect this technique that you have today?

Mr. SESSIONS. Well, the orders would not come from the FBI, but I would say that, again, what we're trying to do is to maintain that same capability that we presently have and that the Congress ordered in the Safe Streets Act of 1968; that is, the wiretap, title III, capability in order to be able to stay even. Whoever is the initiator of the process, it would be that the FCC, the legally constituted proper commission, working with the Attorney General, would assure that we could carry out our obligation under Congress' act of 1968, the title III; yes, sir.

Mr. EDWARDS. Yes. Thank you.

Mr. KOPETSKI. Mr. Chairman, I think I'll wait until my next round to pursue the questioning in this matter. Thank you.

Mr. EDWARDS. The gentleman from Florida, Mr. McCollum.

Mr. MCCOLLUM. Thank you very much, Mr. Chairman. It's good to have you today with us again, Mr. Sessions.

Mr. SESSIONS. Thank you, sir.

Mr. MCCOLLUM. I wanted to inquire a little bit about a couple of your new programs in terms of their impact.

Mr. SESSIONS. Yes.

Mr. MCCOLLUM. I know you have discussed already the move of the 300 or so agents over out of counterterrorism and foreign counterintelligence, and I wanted to ask you if I'm not correct that, even after that move, you still have some 1,100 agents, quite a few over 1,000 anyway, that are devoted to counterterrorism and counterintelligence. Am I correct in that rough figure?

Mr. SESSIONS. If I may, I would decline to answer that specific question because it does go into the area that is embargoed and that I really should not discuss.

Mr. MCCOLLUM. We do have a sizable number of people, though, is the point I'm making. I wasn't trying to tie you into a number.

Mr. SESSIONS. We do have a sizable number of people that are adequate to meet the threat as we perceive it, and the threat, again, is under the National Security Threat List concept. Yes, we believe that what we have we can do.

Now you know that I have said publicly that I intend in the 1993 year, to reprogram some additional agents out of both foreign counterintelligence and counterterrorism.

Mr. MCCOLLUM. All right.

Mr. SESSIONS. I anticipate I can do that, and I hope that after all this shakes out with what we have reprogrammed already, that we can in fact do that. And if I can, I will.

Mr. MCCOLLUM. Well, I respect that. I respect your judgment on it, even though, as with Mr. Hyde and others, I'm very sensitive to the terrorism issue more than anything else right now in that area.

Mr. SESSIONS. Yes.

Mr. MCCOLLUM. It still has to be a judgment call and you have to make it, and I respect your judgment.

Let me ask you about one of the new programs, particularly the health fraud program area. Does that come under a white-collar program or is it a separate program?

Mr. SESSIONS. No, it comes under the white-collar crime area. Yes, it is a white-collar crime program; that's correct. It's almost like you're pulling my string because I brought my health care fraud book that I hope Mr. Collingwood will make available to all of you, if you haven't seen it. It is very direct and very succinct and to the point about how we are going to use those resources.

Mr. MCCOLLUM. Well, I've seen the book and I appreciate it. Let me ask one clarification on that. Would it be a lot like other programs in the sense that you will have individual agents that are flagged for that purpose in field offices out there or will they be more like task forces and the Dallas task force in the financial fraud case, located in certain regions of the country? How do you envision it?

Mr. SESSIONS. Exactly as you described it first. We do not anticipate the task force concept, but agents allocated to it. They are allocated now in sufficient numbers that I believe that they will have a direct impact on every single one of those areas, whether we're talking about the pharmaceutical industry, whether we're talking about the misbillings or the improper billings or the bloated billings of health care services, wherever that particular area.

In the book there are so many of them listed that I think it would take me 10 minutes to read them.

Mr. MCCOLLUM. I'm not trying to get you to do that.

Mr. SESSIONS. The point is that they will be allocated to go directly out of those offices into those investigations individually, yes.

Mr. MCCOLLUM. Well, my reason for bringing all this out is that I think it's an excellent program. I think it's very important in my State of Florida in particular.

Mr. SESSIONS. Yes, it is.

Mr. MCCOLLUM. We have a lot of that going on, and we've had great difficulty getting a grip on it. I know how your field offices operate generally, so I'm pleased with this process. But I wanted to be sure I understood it from you and that you clarified it today.

Mr. SESSIONS. Well, one thing I would say: we seek in every single way we can to cooperate with any other agency—Federal, State, or local—that it is attacking the same or a similar problem. It would be a waste of resources if we duplicated effort. So whatever we find in Florida or any other State as viable programs with which we can cooperate and work, even though we aren't in a task force concept, we will do that.

Mr. MCCOLLUM. With respect to white-collar crime generally, you have a figure in your bulk testimony of about 24 percent of your resources being devoted to that.

Mr. SESSIONS. That's correct.

Mr. MCCOLLUM. What percent of the resources are devoted to the violent crime and major crime area, your section that goes over there?

Mr. SESSIONS. I'll have to supply that for the record. I do not know the precise numbers. I can probably get it here this morning before I leave.

Mr. MCCOLLUM. That's all right.

Mr. SESSIONS. But I'll be glad to provide that.

Mr. MCCOLLUM. If you would.

[The information appears in the Director's April 22, 1992, letter, reproduced in the appendix.]

Mr. MCCOLLUM. But it is less, obviously, because white-collar crime is the biggest single area, but it is a substantial portion of your resources, I would assume?

Mr. SESSIONS. It is a substantial resource. It comes out of the priority that was designated in 1989, the summer of 1989.

Mr. MCCOLLUM. Right. Where do you envision the additional resources that you're putting into the violent crime program going? In other words, are we targeting these additional agents for some particular aspect of the violent crime program or are they going out in the field offices wearing six different hats, just depending on whether it's bank robbery in that field office or whatever that happens to be the major concern in that area?

Mr. SESSIONS. You're right on target. They're going to 39 cities as of this time, but there will be some additional ones. But, yes, they will have on an FBI agent's hat, and it's true that they may end up going in some particular segment or their investigations may relate to some area of violent crime, whether it's interstate transportation aid to racketeering, or whether it's bank robbery, or whether it's fugitive task forces or fugitive under the UFAP statute; that is, the Unlawful Flight to Avoid Prosecution. All these are violent crime areas. So they may end up going to those, depending upon how the special agent in charge of that office, under the guidelines given by the headquarters, believes that those agents can be most effectively used. And they are in 39 different cities.

Mr. MCCOLLUM. Mr. Director, I find it fascinating, going into our local FBI office a few months ago now, to learn that the No. 1 problem in the Orlando area is bank robbery. That is a traditional thing we think about back during the thirties, but that's still going on and it's very violent at times. In some parts, in some cities in this Nation it's very important to have somebody there. We think of all the glamorous, latest whatever in the drug dealing, organized crime, or whatever, and yet in many ways the FBI is still, the bread and butter of the job is still to be done there in things like bank robbery. I appreciate that fact.

Mr. SESSIONS. Thank you, sir.

Mr. MCCOLLUM. Let me ask you one last question in the white-collar area, jumping back over there for a minute. We have spent a great deal of time—and I know you have and you should—with the issue of these failed S&L's, the savings and loans, and the white-collar fraud that's associated with them. You've given a breakdown in your testimony with regard to the number of convictions this past year of being 2,559 in the financial institutions fraud matter, and you've said, of these, 986 or 39 percent were major convictions of fraud, over \$100,000, which included financial institutions failure investigations. Maybe you don't have it on the top of your head, but could you provide for us a breakdown of what portion of these were, in fact, related to the financial institution failures; in other words, the problems that you've—I know the Dallas task force exists. You're very proud of that, and rightfully so,

but again I don't expect you to have this on the top of your head, but could you provide that for the record?

It seems to me that we're doing a good job of getting these convictions in these investigations. A lot of the people out there don't realize that this is happening and this has happened. They still think the Government is not really pursuing these folks in the failed institution area.

Mr. SESSIONS. Well, I will supply those for the record. Obviously, I wish at this moment that I were prepared to give those to you, because it is a significant and it is a good, strong record. I wish I were able to do that for the committee here this morning, but I will supply it for the record for the committee.

[The information appears in the Director's April 22, 1992, letter, reproduced in the appendix.]

Mr. MCCOLLUM. And one last comment I would just like to make, and it is a comment only: in the area of fingerprint identification, I noticed in your budget breakdown you've got a request for \$50 million for computer hardware and \$50 million for the conversion of the 32 million manual fingerprint cards to digitized images. I think that's exceedingly important. We can debate all day long, and I respect the gentleman from North Carolina and his concern about this thing going to West Virginia. That's politics as to where it goes, and maybe that is a waste, I don't know, but you are right on that we need this digitized and computerized fingerprint ID equipment, whether it's here still in Washington or it's in West Virginia or wherever it goes.

So I, for one, appreciate this particular request. I have been down there. I have looked at these and I understand the difficulty with the manual system right now, and it's just not working out there if you don't have your computerized system. So thank you for making the request and making the point.

If you want to comment on it again—you look like you're ready to—you're welcome to.

Mr. SESSIONS. I would like to do that, Congressman, because it is important for you and the committee to know \$50 million of that will be used in connection with the image transmission network and the other part will be used for the image capture; that is, to bring into the computer itself the master fingerprint cards. Now the reason why that's essential is you can't electronically tap into something unless it's there to tap into.

So the ability to take and create the network, the first \$50 million is for that. It will be used to acquire the initial suite of computer hardware; that is, the initial hardware itself and the peripheral equipment necessary to begin the full-scale development of the whole imaging network. It, in a sense, is a pilot part of it without which we cannot go.

The second part of it is to further the image capture of the master fingerprint card. So this is required to acquire contract services to convert the 32 million—I said 30 million but there are 32 million criminal master fingerprint cards that have to be put over into electronic imaging. Until you do that, you do not have the stuff on which the imaging network will work. That is absolutely essential. That must be done. The question is whether it's done now or at some other time.

Mr. MCCOLLUM. You have a lot of wonderful people down there working on this, but it's a lot more hours than we really have time today in this modern age to take to do this. They're wonderful folks but—

Mr. SESSIONS. Thank you, sir.

Mr. MCCOLLUM [continuing]. They just can't get the job done.

Mr. EDWARDS. Will you yield at that point on that issue?

Mr. MCCOLLUM. I'd be glad to yield; yes, Mr. Chairman.

Mr. EDWARDS. It's an important issue.

Mr. MCCOLLUM. Certainly.

Mr. EDWARDS. You're converting these cards at a cost of \$50 million; is that correct?

Mr. SESSIONS. That is part of the cost, yes.

Mr. EDWARDS. Part of it?

Mr. SESSIONS. That is not all of it, obviously.

Mr. EDWARDS. You're paying \$1.75 per card whereas the States have been running in their conversion between \$1 and \$1.80. With the volume that you have, why can't you get a better deal? You're paying top of the price.

Mr. SESSIONS. The criteria that we are putting on our people mean that we are not going to contract that out. It will be employee-done. It will be done within the confines of the establishments for security that are required within the FBI. So the quarter in a card difference is that difference.

Mr. EDWARDS. You're going to do a Cadillac job on it?

Mr. SESSIONS. I intend to do a Cadillac job, and I'll tell you why, Mr. Chairman. If I don't do it correctly, if we do not put this together correctly, if we do not tie all these systems together in a totally perfect fashion, then the American people will be deprived of what I said we could deliver, and that is a fully automated and fully integrated fingerprint identification system for the country. That, I believe, is the Bureau's responsibility nationwide as a Federal law enforcement agency and that's what I intend to do.

Mr. EDWARDS. Well, we wish you well.

I didn't mean to tell the gentleman his time was up.

Mr. MCCOLLUM. That's all right. I was ready to yield back anyway, Mr. Chairman.

Mr. EDWARDS. All right, thanks.

Mr. MCCOLLUM. So thank you.

Mr. WASHINGTON. Will the gentleman yield?

Mr. EDWARDS. Yes, of course, I'd yield.

Mr. WASHINGTON. I thank the chairman for yielding, only to apologize to Judge Sessions for my having to depart. I had looked forward to another round of questions, but Mr. Collingwood and I have developed a dialog, and if I may through him continue to work toward getting answers to other questions. I have another meeting at 11:30 and I apologize to the Chair and also the other members for having to leave at this time.

Mr. EDWARDS. We thank you for your valuable contribution, Mr. Washington.

Mr. SESSIONS. Thank you, Congressman. I'll look forward to supplying any of that information that will be helpful to you, sir.

Mr. WASHINGTON. Thank you, Judge.

Mr. SESSIONS. Thank you, sir.

Mr. WASHINGTON. It's always good to see you.

Mr. SESSIONS. Thank you.

Mr. EDWARDS. Yes, you'll forgive us for being skeptical about costs because we see in Ident a billion dollar project. Historically, that is what happens with the FBI and these very sophisticated programs where the Director, or whoever might come and testify, will assure us over and over again it's going to cost so much and that it's feasible.

Where is one of these examples? The radio scramblers, they had a cost overrun of 54 percent and they took 5 extra years to complete. The Field Office Information Management System had overruns of 58 percent and is still not complete.

So I guess what we're asking, Director Sessions, is how do we know you're not going to have exactly the same percentage of overruns in the Ident program? You're already paying more for these cards than the States do.

Mr. SESSIONS. Let me go back to the FOIMS, the Field Office Information System, which you mentioned. When I became Director, it was in all but one field office, I believe, but it was in virtually none of the resident agencies, and there are almost 400 of those, which meant that we had an incomplete Field Office Information Management System. We were able to talk to field offices but to nobody else.

It was important to me in concept that we be able to do work wherever it needed to be done, and if it couldn't be done there, that it was transferred some other place. You may recall at that time there was a furor over the closure of the Butte field office in Butte, MT. Out there now, that center is right up north of Pocatello, but it operates on the Field Office Information Management System that you mentioned. So, yes, it is greatly expanded from what was contemplated. I do not look on that as a cost overrun but an expansion of the system.

If we go directly to the cost of the West Virginia project, you may recall the Dire Emergency Act gave us \$185 million for the construction of that facility. We now know that there will be a \$26 million increase required and that will come from other fees, not from budgeted items by the Congress. So I expect to be answerable any time there is a difference between what we propose and what actually ends up happening.

I do not know, as I sit here, whether when the system comes on-line there will be still just the 34 automated fingerprint identification systems that exist now around the country or whether there will be 5 or 6 more, but I suspicion there will be 5 or 6 more, just like 17 have been constructed in the last 4 years. So we will have more cost associated with it, but my belief is that you have to justify it and you have to say where it's coming from and why it is. Is it mismanagement, waste, or fraud or abuse of some kind? We must guard against that. The help of this committee in keeping us tow the line is absolutely perfect. I have no objection to that at all, and we will answer those questions.

Mr. EDWARDS. Well, the States are converting their own fingerprint cards and files at the same time right now; they're doing that.

Mr. SESSIONS. There are 34 systems out there, yes.

Mr. EDWARDS. Now are you working with the States, so that when they're finished and you're finished, they will fit in together? How do you know that?

Mr. SESSIONS. Mr. Chairman, part of the Criminal Justice Information System Division that I've just created will be relegated solely and exclusively to the coordination with all of these State functions, to be sure that exactly what you're asking for happens and to do everything within our power to be sure that it does happen. Otherwise, what conceivably could happen is we throw a party and nobody comes. We complete our system and can't tie in. We haven't resolved all those intricate technical problems that must be resolved.

I have an expert sitting in the room with me who developed the oversight of the National Crime Information Center. When I became Director, the contacts daily were less than a half a million. There are now, I think, a record of 1,366,000 contacts in one 24-hour period. That takes a good technology, and we have to have that kind of capability, that kind of response up there with West Virginia with the relocated Identification Division, and we will get it.

Mr. EDWARDS. Now we've heard from a number of telephone companies, some of the biggest throughout the country.

Mr. SESSIONS. Yes.

Mr. EDWARDS. They are looking at the telephone manufacturing requirement with great skepticism, and they've pointed out in informal conversations with me and with staff that there is no real problem, that they can't name a single case where the FBI has come to them for a wiretap and it hasn't been provided. Now have you any instances of where the phone companies can't provide this assistance that's necessary?

Mr. SESSIONS. I would not give you a specific case where we have been rejected, but there are, of course, circumstances where they are reticent to do that without that kind of authority that's demonstrated. My belief is that when we come down to digital telephony, we are talking about access to an absolutely new technological piece of equipment. We have to be assured of access through a court-ordered, authorized tap. I am not sure that they will provide that access or can now provide that access until the technology is developed to give that access. It has to be done systematically and it has to be done, in my view, nationwide and it has to be done fairly. It has to be done with all companies that will have that kind of equipment. Otherwise, what is expressed in the congressional intent in the 1968 Crime and Safe Streets Act is a nullity.

So I think we're on the right target. We'll be talking this afternoon, we've talked continuously with the telephone companies about the technology and about the ability to access just to keep even. That's all we ask, just to keep even.

Mr. EDWARDS. The gentlewoman from Colorado.

Mrs. SCHROEDER. Thank you, Mr. Chairman.

I want to focus a little more on safe streets and gangs. I Chair Children, Youth, and Families, and we've been very concerned about the fact that we've really not focused on adolescents and what's happening. We've spent an awful lot of time interviewing parents, basically mothers, of young adolescents who are in trouble

with the law. The bottom line, what we really find them saying to us in a very angry tone, is that because of budget cuts and because of all the things that have happened in the eighties, they find that their children are now second-class citizens in most of the schools and that you can't do what you could do when I was in school—you couldn't be a cheerleader; you couldn't play basketball; you can't do anything unless you pay money. It's like \$1,000 to play football, \$800 to play—well, none of these kids have that kind of money.

Then the second thing is they're second-class citizens in their neighborhood because the different community centers built by the Federal Government now, due to funding problems, charge. You have to be a member and you have to pay every time you walk in the door, and that's not feasible for low-income people.

So the only equal employment opportunity is to be in a gang or sell drugs. And we have these mothers saying to us, "So what would you do?" They go to class; they go to school and they're second class. They can't participate in what we always think of as the American experience of being able to participate across the board.

In the neighborhood they can't participate either in the things that we would like them to, and they get very angry with us when we talk about that. It concerns me that these young people are that alienated; they are that alienated from the society, and we have not found a good answer.

What is the FBI doing? I'm sure you find the same thing in your interviews with parents in trouble with the law?

Mr. SESSIONS. My concerns the moment I became Director of the FBI were about those areas where the FBI could properly make an impact on the kind of problems that you're discussing. For instance, all of our resources were given in the FBI in the drug priority area—there were 1,100 agents being used at that time—on the law enforcement side; that is, the supply side of the equation. And I asked myself whether or not it might be that the FBI could properly be involved in the demand side of the equation, which of course drives the supply. The supply meets the demand.

What I did in the spring of 1988, less than 6 months after I became Director, was to take and allocate some agents over there. The instructions they were given were less than a sterling Federal program. The program and marching orders they were given were to take and in those communities to become part of those functioning entities that were trying to deal with the drug problem and to deal with it directly. Now this is a law enforcement agency utilizing 56 of its agents to do that.

The same concept is there in safe streets. The same concept is there in the Department of Justice weed and seed area. In other words, to take and somehow have some impact, and I think it will be considerable. I would ask you, for instance, to go over to the Savoy School and look at it; see for yourself, just see what's happening; form a judgment. What you'll find there is a sixth grade class that is dealing with the agent from the Washington metropolitan field office on a continuing basis, and those kids are junior G-men. That's what they are. But it doesn't just affect the class; it affects their whole image. It affects the class. It affects the com-

munity. It reflects on loving FBI agents rather than hating and fearing them.

I don't know how all this plays out, but I think it is consistent with and compatible with our law enforcement role, and I think it's a good use of our agents. We encourage that involvement. You can go out to your home State, go out to Denver, and look and see whether the FBI is moving out into the community and speaking to those specific communities, the Hispanic community, the black community. Are they doing it? And if they aren't, I hope you'll tell me, because the FBI should and can do that, not just because it's fair, not just because it helps law enforcement, but because operationally it's sound to have friends out there and they are pursuing that very diligently in all parts of the country.

I think you're right, and I think unless we play that, unless we do it consistently and with a program that is designed and has the directors say "let's do it," we make a mistake.

Mr. EDWARDS. Will the gentlewoman yield at this particular point and I'll give her some more time later.

Mrs. SCHROEDER. Sure.

Mr. EDWARDS. But on that particular issue, I would think, Judge Sessions, that it would be very much in the interest of the FBI and of the community that you serve that you have quite a number, an appropriate number, of minority agents, Hispanics in particular, who you've had some difficulty with, the lawsuits and so forth. I think from the latest figures you have about approximately the same number of Spanish-speaking Hispanic agents as you had the last time we discussed this, which was 1 year or so ago.

Mr. SESSIONS. Oh, no. Oh, no, I think there are 575 Hispanic agents now. I may be wrong on that figure. I'll get it. It's here and available. There were 336 agents at the time I became Director. I think there are about 575 now. I'll give you the figures, Mr. Chairman.

Mr. EDWARDS. Yes, would you provide those for the record?

Mr. SESSIONS. Oh, I'd be pleased to.

Mr. EDWARDS. Thank you.

[The information appears in the Director's April 22, 1992, letter, reproduced in the appendix.]

Mr. SESSIONS. I ought to have them right here. In fact, maybe I do.

Mr. EDWARDS. Well, you can provide them for the record, and we can move on.

Mr. SESSIONS. Fine. No, to me, you're absolutely correct; operationally it is absolutely essential that we have an ability to reflect the community and the ethnic makeup. Otherwise, it's important that we be fair; it's important that we be keyed to and aware of our obligation under employment opportunity equally applied, but it's also essential operationally that we be able to have agents from those communities who can, in fact, do the work that we have to do.

The female is now up over, it's almost 1,200. It was about 800-and-some-odd when I became Director. Now they operationally are important to us. To do the job we're charged with doing, we must have them.

Mrs. SCHROEDER. Well, I guess I hear that and when I ask the parents about this, they say, "Well, yeah, it's nice. They come and they talk to us and everything," but the root cause still is that, with the budget crunches of the eighties at the State—I mean some of it is the State, some of it is the local. I mean you even look at the FBI budget and it's gone up 300 percent from 1980 to today, and we haven't had 300 percent growth in the economy. So these things that got squeezed out, they really are troubled by.

I sit on Armed Services, too, and as I see us lowering our intake of 18-year-olds going into the military, I think we're going to have an even bigger problem in this area, because where do especially adolescent males, but females, too, go to have a second chance or an opportunity to get a start or whatever?

What I really hear these parents saying is no one seems to understand what's really happened, and that is, we have formed a two-class society. We're just tapdancing around it. When you have a two-class society and these young people think that society doesn't include them, they have no problems declaring war on it.

Mr. SESSIONS. I would suspicion that your constituents feel very strongly about the input of the FBI into law enforcement.

Mrs. SCHROEDER. They do.

Mr. SESSIONS. I would think that the FBI would be responsible to justify every dime it spent in law enforcement. When I became Director, the budget was at about \$1.4 billion. It's true, it goes over \$2 billion this year, but I would justify every single nickel we've spent. I think your constituents will say to you, "Law enforcement, crime, drugs, violence are an immediate concern," and that is the law enforcement aspect of my responsibility.

Mrs. SCHROEDER. I hear you saying that—

Mr. SESSIONS. So I really think they would support it. The \$2 billion budget is minuscule when it comes to that.

Mrs. SCHROEDER. They do support it, but they also say every year the budget gets to be more and there's more crime. Their only question is: Are we doing the right thing?

Mr. SESSIONS. Yes.

Mrs. SCHROEDER. I mean maybe we're spending the money in the wrong way—

Mr. SESSIONS. I would hope—

Mrs. SCHROEDER [continuing]. Because they're also very concerned about the fact that the more we spend, the more crime there is, so of course they support spending money to fight crime, but at some point the question is: How do we stop it before it starts?

I tell you, if you could, spending a lot of time with parents whose young people are caught up in law enforcement, and on the wrong side of the bars, is very important. I have not found a parent who wants their child there. They're very saddened by it, but they are saying to me that we just don't get it; that we just don't really understand what's driving it. I think you and I could both agree, if we had gone to high schools, which we didn't, where we couldn't participate in any extracurricular activities or if we lived in neighborhoods where there was literally nothing for us to do, even though we'd like to think we'd come down on the side of the angels, it may have been a little more difficult. I think we're not factoring that into the whole thing.

I guess what I'm saying is we looked at Midnight Basketball and how well that worked. We looked at some of the others. I've been beat to a pulp for even saying the words. It's like you don't do that; you do the other thing. I happen to think that we're going to have to start looking at some of those things, especially when you start look at what the military is going to be doing and how many young people they're not going to be taking in the future, and people can't afford to go to college. I think all of that's going to implode and make it even more a two-class society. When you have that stark a two-class society, you've got real potential for violence.

Mr. SESSIONS. It's a good start when you require me and the FBI to justify the money we're spending, and I do believe that the American people, your constituents included, believe that that is money well spent, and they're entitled to have that rationalization and that justification put before them. That's our function here. I would be wrong, wrong, wrong not to satisfy your needs to know about the way we spend our money.

Mr. EDWARDS. The time of the gentlewoman has expired. The gentleman from Oregon.

Mr. KOPETSKI. Thank you, Mr. Chairman.

Judge Sessions, I do want to come back to the digital telephone issue, but first I have to do a quick followup on our No. 1 threat to our national security, which is Russia, according to your testimony. Are you talking about all the successors to states of the Soviet Union as being our chief threat or just the successor state of Russia?

Mr. SESSIONS. No, I did not mean to suggest that. The Federation of Independent States is exactly that, a group of states, and obviously the threat is not the same from all of them. I would not discuss with particularity except to say that we have seen no diminution of the type of activity that we noted and acted against before, nor has there been a change in the expression of Russia itself in terms of its intent to cut out its intelligence-gathering activity.

Mr. KOPETSKI. What do they want?

Mr. SESSIONS. Oh, I think they want some of the things they wanted before, and we're in an open hearing, but I would think that generally you can rely upon their continuing interest in some of those things they were interested in before: Military information, military technologies, computer technologies, advanced technologies of any sort in all sorts of areas that will help them in their economy without having to develop it, but rather to gain it by stealing it. So that those areas I think are as myriad as their needs might be. As their needs become clear, they may well task their intelligence services to gather it, and they may by that means detract from our ability economically as well as militarily to defend ourselves and cause damage to our country.

Mr. KOPETSKI. Well, maybe I'll visit with the Intelligence Committee people for further followup on this area.

I want to go to the digital tap issue. I want to see if I understand your previous testimony. It was my understanding that your proposal also covers computer-to-computer interference if it's used over the telephone wire—or fiber optics; I shouldn't say "wire" any longer.

Mr. SESSIONS. The ability to gain access to any information that we are entitled to access under title III is what we seek. That is, again, to remain even with the capabilities that were authorized under title III.

Mr. KOPETSKI. And I don't know the ins and outs of that, but is there a legal opinion that says that you have the right to access computer-transmitted information from one computer to another computer under title III?

Mr. SESSIONS. It's my belief that you have the right to electronically intercept whatever the court under title III will give you the ability to intercept and the right to intercept under the law. I will speak with particularity, but I don't have that opinion there, but I presume that you are correct that we can, in fact, properly access it. But I want to be very careful. I want to assure you that we will not access that which we are not authorized to access by the court.

Mr. KOPETSKI. I understand that. And so when people say that you're asking for authority that goes beyond normal telephone conversations, to the extent that it is one computer talking to another computer, they are correct?

Mr. SESSIONS. We would not go beyond any access that we are presently authorized under title III. We are not seeking to gain something we do not now have. We are seeking, again, to stay even.

Now equipment changes and technologies change. With the digital technology, the ability to access has become a dire problem. And as the digital process and programs go forward, we will be less and less able to carry out our responsibility. I will answer you for the record with specificity your question about whether or not, and how, and in what legal opinion, we access other than telephone communication.

Mr. KOPETSKI. OK. That would be helpful.

[The information appears in the Director's April 22, 1992, letter, reproduced in the appendix.]

Mr. KOPETSKI. Also, have you had any problems to date where you've obtained wiretap authority and the telephone company wasn't able to assist you in carrying out that order?

Mr. SESSIONS. That, or a phase of that, question was asked earlier, and I was not able to answer, but I will supply that for the record. I know of no single circumstance, but I'm sure that if they do exist, we are very able to tell you about them and I would do it by supplying it for the record, sir.

[The information appears in the Director's April 22, 1992, letter, reproduced in the appendix.]

Mr. KOPETSKI. And your concern is really prospective in terms of future technological development?

Mr. SESSIONS. Well, it's reality to the extent that there are now portions of the networks that are changed over to digital. So it's becoming reality very quickly.

Mr. KOPETSKI. We're not just talking about your normal telephone company, whether it's a U S West or Southern Bell; there are also these private communication companies as well. We're talking about where companies spend literally millions of dollars to be able to communicate internally with one another out there; is that correct?

Mr. SESSIONS. That is correct; there are such systems, and I would presume that the equipment that is provided by the manufacturers is essentially the same across the system.

Mr. KOPETSKI. And companies spend millions of dollars developing these systems because there are trade secrets involved and timing in certain purchases of stock, et cetera, all involved in this, and so they try to design an airtight security system. That's how I understand it.

Mr. SESSIONS. That is true, but there is no system that's entitled to defy the law.

Mr. KOPETSKI. That's right.

Mr. SESSIONS. Title III gives the will of the Congress, of the people of the United States, where there is that kind of conduct that is described in the statute, the ability to invade those processes, but it's only done with the greatest care, the greatest sensitivity, and with a very careful oversight and overview by the U.S. attorney and by the U.S. district judge who ultimately writes that order and signs it and says, yes, there is a necessity; yes, there is a compelling need; yes, you have justified your need for access; and, yes, you may do it.

Mr. KOPETSKI. But we're asking for something different here because we're asking for people to design a system that isn't airtight; yet, what they want is to try—and let's talk about the legally responsible corporation that is trying to design an airtight system. What we're saying or what we would be saying under this legislation is that now we want you to create an exception for the FBI and, trust us, nobody else will be able to break into that airtight system. Isn't there a real dilemma there for our businesses?

Mr. SESSIONS. I don't think there is at all.

Mr. KOPETSKI. Why?

Mr. SESSIONS. Because I think the businesses and everybody in this country has a very great stake in being able to deal with criminality and to deal with those things that are recognized in the justification for the Safe Streets Act. If crimes are being committed and carried over those facilities, the fact that the Congress of the United States saw fit to give access I think is totally appropriate and totally sound.

Mr. EDWARDS. Will the gentleman yield at that point?

Mr. KOPETSKI. I'd be glad to yield.

Mr. EDWARDS. If it's made easier for the FBI to use this system for wiretaps, doesn't it also make it easier for persons with fraudulent intent to use it?

Mr. SESSIONS. If, in fact, the technology was stolen or if, in fact, the technology was dealt with other than under the law, I would presume the answer is yes, but our access now obviously has been used by others with criminal intent, and those people are prosecuted. The point is that no system is airtight, but the access to the digital, unless the companies design it for us—and their cooperation is absolutely essential—then we would not have the ability under the laws of the United States to do what we now do, which is now authorized by Congress and reflects the intent of the people. I think that's the critical juncture. If they are involved in criminal conduct over those instruments and with those capabilities, we must have the ability under the law to intercept it.

Mr. KOPETSKI. Reclaiming my time, Mr. Chairman—

Mr. EDWARDS. Yes, of course.

Mr. KOPETSKI. Let's assume that we have a law-abiding company and they need to develop a system that is not vulnerable, but what we're telling them that they must do is to design a vulnerable system, so that you, the FBI, can get into it. Isn't that a dilemma there?

Mr. SESSIONS. I don't really think so. I think a company, if you went and asked its president, "Mr. President, are you designing this system so that crimes can be carried out over it," he would throw his hands up, "Of course I'm not designing that system for that." Ninety-nine and forty-four-hundredths percent of the use of the telephones is going to be legitimate, business-driven, personal-driven, all those things that make the system work and pay for itself. But if you say to him, "Mr. President, do you believe that if crimes are being committed through these instrumentalities, that we need to have an ability under the law to access those conversations and that information," what do you think he'll say?

Mr. KOPETSKI. He'll say—

Mr. SESSIONS. I think he will say yes.

Mr. KOPETSKI [continuing]. "You figure out a way, but I'm not going to pay for it, No. 1, and, No. 2, I'm an honest person and I'm sorry, I've got to design a system that is airtight to protect my competitive edge, not just in the United States, from competitors in the United States, but throughout the world, international competitors." And that's the reality of it: If you require this company to design a system that is vulnerable, then it's not just the FBI that's going to access it; somebody else will figure out that vulnerability and be able to access their records.

Mr. SESSIONS. I think what we will find—

Mr. KOPETSKI. I mean, isn't that true? I think that's real basic.

Mr. SESSIONS. I think what we will find, Congressman, is the countries around the world who recognize the tremendous potential for misuse of those systems for criminal purposes will provide the means whereby their government requires that those manufacturers in those countries provide the same capability that we're discussing here this morning. I do not know whether the cost in terms of dollars or in terms of lives means to those competitors what it means to me, but I'll guarantee you when I have a kidnaping out in Oregon going on right now, and I can use a capability that would be denied to me under the digital, I would say that is not what the Congress of the United States intended. Whoever manufactured it should have provided a means whereby law enforcement, for legitimate, court-authorized needs and purposes, had the ability to intercept. So I think even though that's a dire circumstance, it happens repeatedly in this country.

Mr. KOPETSKI. It may, but I'm getting at the dilemma from the business perspective, the problem is in this world, this international economy, the United States loses somewhere between \$40 and \$60 billion a year because other businesses in other lands steal our ideas. They steal it.

Mr. SESSIONS. Using the telephone in many circumstances.

Mr. KOPETSKI. And it's because they steal our intellectual property rights, as it's called, and we're dealing with that whole area

in the GATT talks and other committees in that. What you're doing is you're saying we're going to allow you to keep stealing our ideas.

Mr. SESSIONS. What we are saying is we will allow the Government, under a properly developed and proscribed need, will be able to carry out its law enforcement responsibility. I really don't think that the presidents of these companies or any other group will say that the legitimate law enforcement needs should not be met.

If we take the other side of it—and, in fact, the Congress would deny and decide that it would not do it—what we would be bound to do would be to try to develop a technology that would defeat that capability that is designed into those systems. If we talk about cost overruns or speculation, I would say that it would take many, many millions, maybe billions, of dollars to be able, if we were even successful, to design an ability to carry out our responsibility under title III. That is the wiretap statute of 1968.

Mr. KOPETSKI. Well, I think that there would be business leaders who would say we're being naive to think that we can devise a system that only the FBI can tap into, that we're just kidding ourselves; that our competitor, whether it's the Korean company or Japanese company, they're going to figure out the same system; they're going to tap into it, and then where are we?

Mr. SESSIONS. I'll give you the ground; that could happen. Obviously, that could happen. Technologies can be stolen and are stolen. Capabilities are misapplied. There are people who use the wiretap capability technicality and capability now to do criminal things, and we all know that, but the access of law enforcement and of the intelligence community to this type of information is just absolutely essential. We cannot—we cannot—carry out our responsibility without it.

Mr. KOPETSKI. Let me just have just one last area of questioning, Mr. Chairman. I know I've exceeded my time.

What is the social policy reason of why we should impose this cost on the businesses? Why should they pay and not the taxpayer?

Mr. SESSIONS. That's not my place to decide that. That would be the Congress of the United States to decide where that should be laid. I do not find—and I've said it in my statement and I've said it in my extended statement; I've said it privately and publicly—I do not find that cost to be overwhelmingly difficult. For instance, our estimate now is that if it were active now via the legislation now, that the conversion process would be between \$250 and \$300 million. There are 150 million subscribers to telephones in this country. It may be more a problem than I have analyzed, but at the same time I do not find, when you compare that with the law enforcement need recognized by the Congress way back in 1968, I don't find that to be inordinately expensive.

The Congress will find a way to have that applied. If it decides that they should be able to have a rate structure that is authorized by the FCC for those companies to recover their implementation and development costs, then that's the will of the Congress, but that's not my place to decide that. I do believe that when you talk about doing it now, you're talking about relatively small costs and you're talking about relatively light impact.

Mr. KOPETSKI. Well, Judge, I would be glad to work with you and your staff, and the committee and the committee's staff, and with our friends in the telecommunications—

Mr. SESSIONS. Thank you.

Mr. KOPETSKI [continuing]. Industry, in trying to come to agreement on this, because clearly they have problems in this area. I think they see some of the industry problems and services in terms of who they sell their product to, the businesses out there that have these trade secrets, and they want to fight crime just as much as you and I do. They're victims of crimes in all kinds of ways that cost them money, and they're also looking out for the ratepayer as well, who ultimately has to pay the bill on any of this, if it does happen.

So I appreciate your willingness to work together on this.

Mr. SESSIONS. Well, I will afford that. I find your questions refreshing. I think those are the kinds of questions that must be asked and answered and the considerations that must be given. When you are talking about access, you're talking about very critical matters. The law now is very clear that you must establish a need; you must show why you are entitled to do that which is intrusive. So I respect the circumstance and I look forward to the opportunity to discuss it and to answer those questions further for you.

Mr. KOPETSKI. Thank you. Thank you, Mr. Chairman.

Mr. EDWARDS. Well, Director Sessions, I do think, and most respectfully, that the Department of Justice and perhaps the FBI should do more thinking about this proposal. For those of us who knew the FBI many years ago, before this fine crew that you have here today and before you came upon the scene and did such a good job, the FBI did some things that were so intrusive into American lives that when you bring up a subject like this with the FBI involved, through the FCC, in the manufacture of every telephone piece in the country, it sends a shudder. We remember Cointelpro. We remember the intrusive Orwellian things that the Bureau and the CIA did. Read the Church report or the Pike report. I would suggest, most respectfully, that you would think about that, too. It's not just that we're not for law enforcement. Of course we are, but how far do you go? How far do you go where the fifth amendment of the Constitution is? How far does Federal police power go? At some point it's certainly not unlimited.

So I would hope the next time we discuss this subject that it has been given more thought at the Department of Justice and perhaps the FBI.

Mr. SESSIONS. Well, I will look forward to that. With me, some things become very simple, and I look at congressional intent constantly: what does the Congress intend with what it did? And I cannot bring myself to believe that the Congress would want to deprive us of a capability we now have. Under the law and the guidance of title III, it's very carefully monitored, very diligently pursued, and we answer to the harshest of critics, and that is the U.S. district courts and the courts of appeal who oversee what we do with particularity in every single instance. And you're right, we must be very careful.

Mr. EDWARDS. Director Sessions, we get a report annually of the court-approved wiretaps, and, to the best of my knowledge, they don't get any scrutiny.

Mr. SESSIONS. They don't get what, sir?

Mr. EDWARDS. They just accept the recommendation and rubberstamp practically all of them.

Mr. SESSIONS. Are you telling me the U.S. district courts are, in fact, rubberstamping the wiretap applications?

Mr. EDWARDS. The statistics indicate that they turn down an infinitesimal number.

Mr. SESSIONS. Oh, I would think that would probably be so. I would suggest, though, that the reason that happens, Mr. Chairman, is because those are done so carefully and reviewed so carefully at every single level, and they are done with such care to meet those court standards that are required under title III, because any district court I know of in the United States would turn them out in a country minute and say, "No, you have not complied, you have not shown the need, you have not shown the justification, you may not intrude," and would not allow it.

Mr. EDWARDS. Last fall the Appropriations Committee asked you to appoint a program manager for Ident. Have you appointed a manager?

Mr. SESSIONS. Yes. What I've done, Mr. Chairman, is incorporated that requirement under the act last year as part of the Criminal Justice Information Services Division that will, in fact, carry out that separate function that you wanted to be sure that it had oversight of it. And, yes, it is contemplated that that carries it out and will go a step beyond. It will carry it out very well.

Mr. EDWARDS. Thank you.

Mr. SESSIONS. And I appreciate the opportunity to do that.

Mr. EDWARDS. Now at the same time that you're asking for new functions and funds to pay for them, are you giving up programs that have been severely criticized and actually were not cost-efficient, such as the library awareness program?

Mr. SESSIONS. I saw an article in the paper in the last few days about the library awareness program and it inquired what had been done, if anything, since my airtel—that is, the communication—to the special agents in charge back in the December 1988 time period. That program, in actuality, against scientific and technical libraries, totally complies with the guidelines with which you're familiar, and so far as I know, there is absolutely no suggestion now that it is improperly applied.

I do know that we continue to have investigative needs and that a person who may be contacted may have the feeling that this is "some program," but it is not. It is investigative-driven if it happens.

Mr. EDWARDS. How about the program where if an Amnesty International member writes to a foreign dictator on behalf of a political prisoner, he or she might be interviewed by an agent of the FBI? Is that still being done?

Mr. SESSIONS. I presume—you talk about Amnesty International—you know that those programs are very carefully covered by the Attorney General's guidelines on every single phase of it, and that we are required in the intelligence area to submit what

we do to the Presidential Intelligence Oversight Board. We also have, of course, the requirement that every single misstep, or what may be a misstep, or a failure to comply with the guidelines, the regulations, be submitted to the Department of Justice. We have a House Permanent Select Committee on Intelligence with their oversight, the Senate Select Committee on Intelligence with their oversight, this committee with its oversight—all of which I respect strongly and believe that your efforts are to help us carry out the intent of the law, the intent of the Attorney General guidelines, and we do it faithfully.

Mr. EDWARDS. Well, this has been a very creative session, and I think that you have answered, as always, honestly and forthrightly all of our questions. Some of them weren't too easy, I'm sure, but that's part of our job, as you know. We do appreciate your coming over here today and we appreciate the work you do and we appreciate the cooperation you give to us.

Mr. SESSIONS. Thank you, sir.

May I add something for the record in response to one of your earlier questions?

Mr. EDWARDS. Yes, of course.

Mr. SESSIONS. It's now been supplied to me. The black special agents, there are now 510. That is 118 more than were employed by the FBI—that is a net plus—over the summer of 1987.

Mr. EDWARDS. You're talking about special agents?

Mr. SESSIONS. I'm talking about special agents. In terms of Hispanic employees, there are now 605, which is a net gain of 206 since 1987. I'll leave those figures with you. I knew that you wanted them.

Mr. EDWARDS. And they're being promoted appropriately for work—

Mr. SESSIONS. I hope so, Mr. Chairman.

Mr. EDWARDS [continuing]. That it doesn't have to do just with translations and wiretaps?

Mr. SESSIONS. I hope so, Mr. Chairman. I hope we're doing it correctly, Mr. Chairman.

Pardon me. I interrupted you and you may have said something about wiretaps that I did not hear.

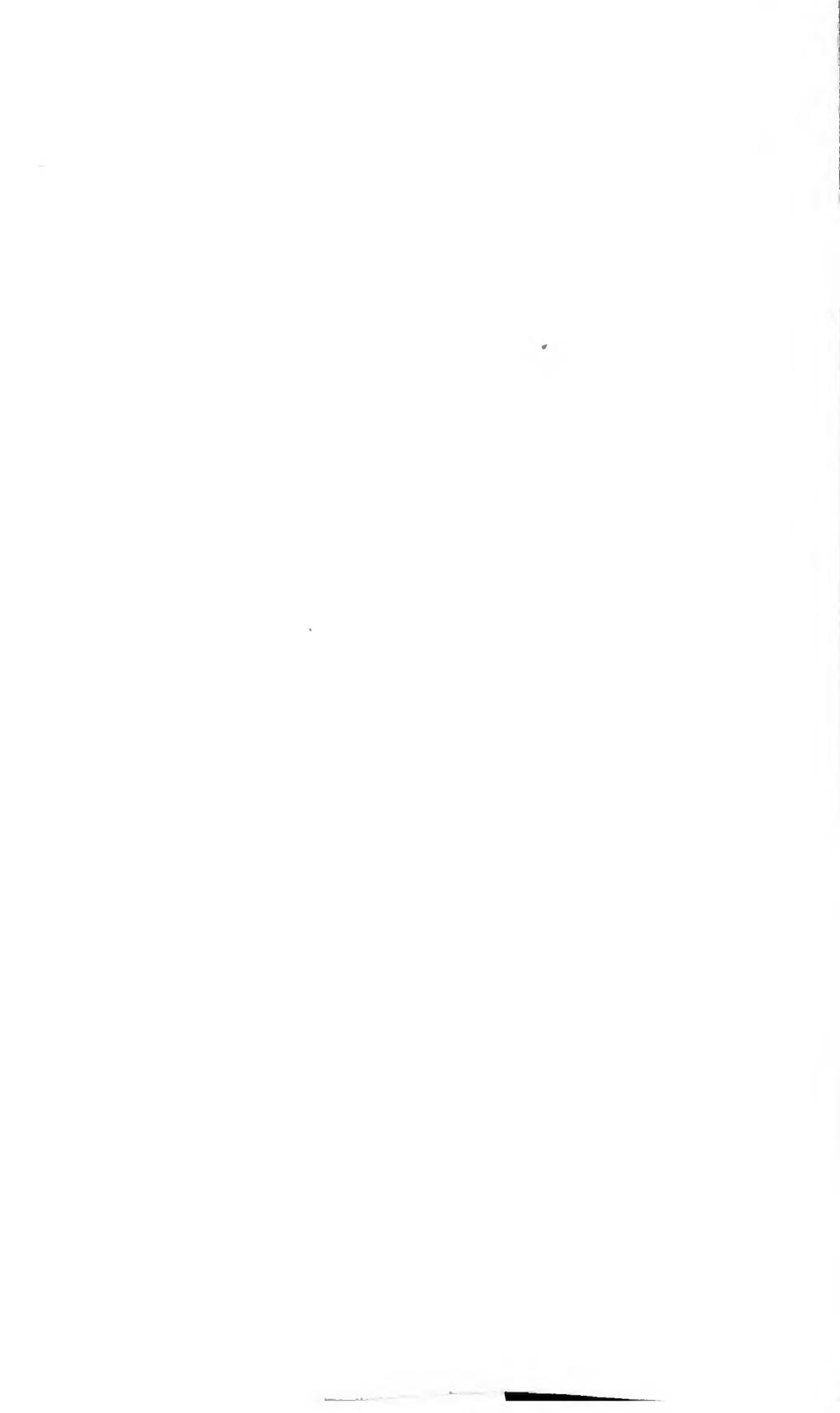
Mr. EDWARDS. Well, one of their complaints, of the Hispanic agents, was that they were doing translating on wiretaps and then they don't get promotions because they're not doing any work that brings them that kind of recognition in the Bureau. Are they content now that they're getting a fair shake?

Mr. SESSIONS. I don't know if they're content because the agents always have a way of wanting to do better and do more effectively what they do. They're a very energetic group, and a little bit of complaint is always good. But so far as I know, those issues have been resolved; those issues are resolved, and we will continue to look at them and deal with them directly.

Mr. EDWARDS. Well, thank you very much.

Mr. SESSIONS. Thank you, Mr. Chairman, for the privilege of being here.

[Whereupon, at 12:09 p.m., the subcommittee adjourned, to reconvene subject to the call of the Chair.]



**FBI OVERSIGHT AND AUTHORIZATION, FISCAL  
YEAR 1993  
(Identification Division)**

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**FRIDAY, MARCH 20, 1992**

**HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON CIVIL AND CONSTITUTIONAL RIGHTS,  
COMMITTEE ON THE JUDICIARY,  
Washington, DC.**

The subcommittee met, pursuant to notice, at 10 a.m., in room 2237, Rayburn House Office Building, Hon. Don Edwards (chairman of the subcommittee) presiding.

Present: Representatives Don Edwards, Craig A. Washington, Michael J. Kopetski, Henry J. Hyde, and Howard Coble.

Also present: Representative Harley O. Staggers, Jr.

Staff present: James X. Dempsey, assistant counsel; Jancelyn Pegues, secretary; and Kathryn A. Hazeem, minority counsel.

Mr. EDWARDS. The subcommittee will come to order.

This morning the subcommittee meets to consider the plans and budgets of the FBI's Identification Division, which is undertaking an ambitious automation and relocation effort.

We welcome the Assistant Director in charge and his colleagues. We appreciate that some of you changed your travel schedules to meet with us today, and we are very grateful. We want each of you to know that we appreciate your hard work on the revitalization project. I know that you are working long hours on this project.

I hope you understand that our questions and doubts are not directed at any of you personally. We have many questions, frankly, and I think you already know that we have criticisms. We are not all satisfied with the way the funding for this big project was put into a "dire emergency supplemental appropriations bill." That is not what a dire emergency appropriations bill is for.

So even when you succeed in slipping something through like that, in the long run it really doesn't work too well. You get everybody very exercised, and the authorization and Appropriations Committees here in the House don't like it at all.

You also have to admit that the Bureau in general does not have a particularly good record in technology procurement. The much-heralded, much-flaunted beltway system just never fulfilled its promise partly because you never got the personnel you needed, but also because it really wasn't very good technology to start with.

We have heard promises about 1-day turnaround before. So you can understand that we are skeptical when we hear promises about a 2-hour turnaround. We want the IAFIS to be a success, but we

do not want the FBI trying to push the technology further than the technology could go at this time with marginal benefits. And we don't really want you to rush forward on the project without adequate planning. And, so far, we haven't been satisfied with the planning.

But on the happy side, we are grateful for your personal efforts. You are first-class people. We appreciate that, and we will work with you and look forward to your testimony.

And I yield to the gentleman from Virginia, Mr. Hyde.

Mr. HYDE. Thank you, Mr. Chairman.

There is no question that law enforcement officials, prosecutors, judges need accurate and accessible criminal history records to make informed decisions in the investigation, charging, prosecution and sentencing of criminals. The Identification Division of the FBI is requesting \$50 million to acquire computer hardware for its new image transmission network and \$50 million for the conversion of 32 million manual fingerprint cards to digitized images as part of its revitalization and relocation project.

To give a brief history, in fiscal year 1991, \$185 million was appropriated for this project. In fiscal 1992, \$48 million was appropriated. If this year's budget request of \$100 million is approved, we will have given a total of \$330 million to this project, and at this point there is little to show for the amount of money that has been appropriated.

I am fully supportive of the FBI's efforts to revitalize the Identification Division. I recognize that this effort is being undertaken not only for the benefit of the Federal Government but State and local law enforcement as well. This subcommittee also has a very serious responsibility of ensuring that the taxpayers' money is carefully, prudently and wisely spent.

I want to welcome Mr. York, and we certainly thank you for coming and look forward to hearing your testimony.

Mr. EDWARDS. Thank you, Mr. Hyde.

We are honored today to have sitting in with us our valued colleague from West Virginia and a member of long standing on the House Judiciary Committee, although he is not a member of this subcommittee. But we welcome Congressman Harley Staggers. Harley, do you have a statement?

Mr. STAGGERS. I do have a statement. I would ask that it be entered into the record.

I do want to thank you for allowing me to sit in here.

I have worked with some of the people that have been to the site and talked with them, talked with the workers, and I think the bottom line is obviously that this is needed, the technology is needed. I am glad it is coming to West Virginia. I am glad we do have a quality work force.

Otis Cox, who is the satellite officer in charge, has been so impressed with the work force and the people in West Virginia that there is talk we will run him for Governor someday of West Virginia. He is such a great sales person for the people in West Virginia, and I know that you have been concerned about the displacement of some of the Washington workers.

I am also concerned about discrimination, what appears to be discrimination against West Virginia workers, which I know from

working with some of the people with the FBI. It does cause me some concern. But I thank you a lot for allowing me to sit in and be part of the oversight hearing.

Mr. EDWARDS. Thank you. You are very welcome.

[The opening statement of Mr. Stagers follows:]

OPENING STATEMENT OF

REPRESENTATIVE HARLEY O. STAGGERS, JR.

SUBCOMMITTEE ON CIVIL AND CONSTITUTIONAL RIGHTS

THANK YOU MR. CHAIRMAN. THE BUREAU'S IDENTIFICATION DIVISION SERVES AS THE WORLD'S LARGEST REPOSITORY OF FINGERPRINTS AND ANSWERS MILLIONS OF CRIMINAL HISTORY RECORD INQUIRIES EACH YEAR. IF WE ARE GOING TO BE SUCCESSFUL IN AMERICA'S WAR ON CRIME, STATE-OF-THE-ART TECHNOLOGY - SUCH AS WE WILL SEE UTILIZED IN THE IDENTIFICATION DIVISION IN WEST VIRGINIA - MUST BE INCORPORATED INTO OUR CRIME FIGHTING STRATEGY. NOW THAT THE BUREAU'S MULTIYEAR PROJECT TO AUTOMATE CRIMINAL HISTORY RECORDS AND FINGERPRINT FILES AND RELOCATE THE DIVISION TO HARRISON COUNTY WEST VIRGINIA HAS BEGUN, THE LEGISLATIVE FOCUS SHIFTS TO THE JUDICIARY COMMITTEE TO OVERSEE THIS OPERATION. IT IS IN THIS IMPORTANT OVERSIGHT CAPACITY THAT I AM SITTING IN ON THE SUBCOMMITTEE'S HEARING TODAY.

I AM PARTICULARLY ENTHUSIASTIC ABOUT THE TECHNOLOGY TO BE EMPLOYED AT THE FACILITY AND THE ROLE IT WILL PLAY IN PREVENTING FELONS WHO ATTEMPT TO PURCHASE FIREARMS AT THE POINT OF SALE. I BELIEVE THE NATIONAL INSTANT CHECK SYSTEM IS THE MOST EFFECTIVE METHOD OF KEEPING FIREARMS OUT OF THE HANDS OF CRIMINALS, WHILE PROTECTING THE SECOND AMENDMENT RIGHTS OF LAW-ABIDING CITIZENS. ALREADY WORK HAS BEGUN AT A SATELLITE FACILITY IN CLARKSBURG TO AUTOMATE CRIMINAL HISTORY RECORDS FROM A MANUAL FORMAT.

LAST MONTH I WAS IN CLARKSBURG TO TOUR THE CURRENT SITE PREPARATION PHASE OF THE PROJECT AND MET WITH ~~OTIS~~ COX, THE CHIEF OF THE SATELLITE FACILITY. MR. COX HAS BEEN VERY IMPRESSED WITH THE DEDICATED, HIGHLY QUALIFIED AND PRODUCTIVE WORK FORCE HE FOUND IN WEST VIRGINIA. IN FACT, HE HAS BECOME SUCH AN ENTHUSIASTIC SUPPORTER THAT MANY PEOPLE BELIEVE HE SHOULD RUN FOR GOVERNOR OF WEST VIRGINIA.

DURING THIS VISIT, I ALSO MET WITH LOCAL RESIDENTS WHO VOICED CONCERN OVER DISCRIMINATION AGAINST LOCAL WORKERS IN HIRING FOR THE SITE PREPARATION PHASE. THEY ARE CONCERNED THAT A DISPROPORTIONATE NUMBER OF HIRED WORKERS ARE FROM OUT OF STATE AND HAVE SIMPLY SET UP WEST VIRGINIA POST OFFICE BOXES TO PORTRAY THEMSELVES AS WEST VIRGINIANS. IN A STATE WHICH LEADS THE NATION IN UNEMPLOYMENT AT 13%, WEST VIRGINIA WORKERS ARE IN DIRE NEED OF THOSE JOBS, AND I AM CURRENTLY WORKING WITH THE BUREAU TO ADDRESS THESE CONCERNS.

ONCE COMPLETE, THE IDENTIFICATION DIVISION IN CLARKSBURG, WEST VIRGINIA WILL EMPLOY UP TO THREE THOUSAND WORKERS - MANY OF WHOM WILL BE WEST VIRGINIANS WHO WILL MAKE THE FBI THEIR CAREER. THIS NEW FACILITY WILL HAVE A MAJOR ECONOMIC IMPACT ON THE REGION. BY HELPING TO ENSURE THE SUCCESS OF THE RELOCATION AND REVITALIZATION OF THE IDENTIFICATION DIVISION, WE WILL BE OFFERING THESE WEST VIRGINIANS THE CHANCE TO REMAIN AT HOME IN THE STATE THEY LOVE, RATHER THAN BEING DRIVEN OUT IN SEARCH OF ECONOMIC OPPORTUNITY. LET ME ASSURE THE CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE THAT I WILL WORK WITH THEM TO MAKE THE IDENTIFICATION DIVISION'S MOVE TO WEST VIRGINIA A GREAT SUCCESS.

[Witnesses sworn.]

Mr. EDWARDS. Now we welcome Assistant Director Larry York and his two colleagues.

Would you introduce your colleagues, Mr. York, and tell us their positions? And then, without objection, the full statements will be made a part of the record and you can just roll along on your own time.

**STATEMENT OF LAWRENCE K. YORK, ASSISTANT DIRECTOR, IDENTIFICATION DIVISION, FEDERAL BUREAU OF INVESTIGATION, ACCOMPANIED BY BRUCE J. BROTMAN, CHIEF, INTEGRATED AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM SECTION, AND VIRGIL L. YOUNG, JR., CHIEF, AUTOMATED OPERATIONS SUPPORT SECTION**

Mr. YORK. Thank you, Mr. Chairman.

I have with me today Bruce Brotman who is Chief of our IAFIS development and also Virgil Young who is Chief of the Automated Operations Services section in the Identification Division.

I would like to read a brief statement.

Mr. EDWARDS. Please.

Mr. YORK. Mr. Chairman, and members of the subcommittee, I thank you for the opportunity to come before you today. I have submitted a formal written statement to be included in the record. However, at this time I want to read to you a summarized version of that statement.

We are here to discuss issues of concern not only to this committee but also to the FBI. These issues are the revitalization and relocation initiatives of the Identification Division and related topics of human resources and data quality.

Our mission has two primary functions: To serve as the Nation's fingerprint repository, both criminal and civilian, and to compile and disseminate criminal history records.

During fiscal year 1991 we received 8,945,000 fingerprint cards and 3,467,000 pieces of correspondence, and the number of agencies the Identification Division services has grown to over 66,000.

The Identification Division's latent fingerprint specialists provided assistance in seven disasters and the Desert Storm military conflict. Of the 286 victims killed in these incidents, 215 were identified by fingerprints.

In addition, we are undertaking the tremendous task of building a new facility, planning for the relocation of a portion of the work force, revitalizing our work processes, hiring and training employees to staff temporary satellite facilities in West Virginia, and securing new positions for those employees not relocating to West Virginia.

In August 1991, we officially broke ground for the new building. Site preparation actually began on October 21, 1991.

In August 1991, the FBI hired a child-care consulting firm to research and develop criteria for the child-care facility at the new location. This facility will accommodate 150 children.

As a result of the signing of the Department of Justice Fiscal Year 1992 Appropriations Act—

Mr. EDWARDS. Mr. York, excuse me. Do you have a child-care facility here for Ident children now?

Mr. YORK. Not at the present time, no, sir.

Mr. EDWARDS. Thank you.

Mr. YORK [continuing]. The Appropriations Act, \$12.5 million and 487 additional workyears were authorized to support the Attorney General's felon identification and firearm sales initiative. These 487 additional positions were approved for the specific purpose of addressing the backlog of fingerprint cards and dispositions and the conversion of approximately 8.8 million manual records to automated format.

In March 1991, we initiated operations at our satellite in Clarksburg, and there are now over 200 employees on board. We have converted over 53,000 manual criminal history records to automated format at the satellite facility since July 1991.

We will open a second West Virginia satellite facility early this summer. This second satellite will accommodate the expansion of our data entry efforts, our recruiting efforts, and our testing and training efforts in anticipation of the opening of the new facility in 1995.

We are encouraging all current employees to relocate to West Virginia and are providing them with all available resources to enable them to make a well-informed decision. We plan to conduct an official survey in October 1992, to identify those Division employees who wish to relocate to West Virginia. At that time we will move forward with our in-house placement program for those electing to stay in the Washington metropolitan area. FBI personnel and our human resources consulting group have provided one-on-one counseling, stress management workshops, training initiatives, and other assistance to employees as they make their final decisions on whether or not to relocate.

The Identification Division is working to develop a plan for placing employees not desiring to relocate in other positions within the agency. Since July 1990, we have successfully placed over 150 employees outside of the Division.

Identification personnel and the human resources consultants are developing programs to provide support networks within West Virginia for the relocating employees. The major thrust will be toward reassuring minority employees that they are welcome in West Virginia. Division personnel have participated in multicultural opportunity workshops with the West Virginia Governor's Office and minority business leaders. We have consulted housing authorities, educational experts and representative clergy to ensure a rousing welcome for our employees.

We are committed to keeping employees informed on all aspects of the relocation. We have opened an employee information center, and we provide a monthly update for each Division employee. We have sponsored trips to Clarksburg for a limited number of our employees, and our staff is sponsoring a guest speaker series.

The future of the Identification Division is the Integrated Automated Fingerprint Identification System, IAFIS.

The IAFIS will consist of three major integrated systems: An image transmission network, a new advanced automated fingerprint identification system, and an upgraded interstate identification index. The key concept of the IAFIS is the electronic or paperless submission of fingerprint images.

The Federal Computer Acquisition Center is providing comprehensive acquisition support to the complete IAFIS project.

The FBI is following the phased development method recommended by OMB Circular A-109 for major systems acquisition. By proceeding with this approach, the FBI anticipates higher system effectiveness with fewer system costs.

We are working with other agencies at the Federal, State, and local levels, as well as with the NCIC Advisory Policy Board, not only in the procurement of the new system but also to ensure all our agency's needs are met by the IAFIS.

On February 13, 1991, we published voluntary reporting standards for improving the quality of criminal history record information. Funding is available for States to participate and develop State systems which increase data quality.

Prior to a State's participation in the interstate identification index, the Identification Division provides complete copies of all its automated records for that State for record comparison. The decentralization of the—of criminal records made possible through the FBI's interstate identification index is working.

The fiscal year 1992 Appropriations Act included funding for a program office to assist the FBI in the revitalization and relocation project. This program office will be a part of a new division in the FBI. Restructuring is necessary to improve the quality of the services the FBI now provides to law enforcement.

Mr. Chairman, a lot has been accomplished over this past year. The cooperation we are receiving from the criminal justice community and the support we are receiving from you and your colleagues will bring about the most efficient, effective and complete identification and criminal history record service possible for the benefit of law enforcement and the criminal justice system throughout the United States.

We are now prepared to answer questions.

Mr. EDWARDS. Thank you very much, Mr. York.  
[The prepared statement of Mr. York follows.]

PREPARED STATEMENT OF LAWRENCE K. YORK, ASSISTANT DIRECTOR,  
IDENTIFICATION DIVISION, FEDERAL BUREAU OF INVESTIGATION

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE, I THANK YOU FOR THE OPPORTUNITY TO COME BEFORE YOU TODAY TO DISCUSS ISSUES OF CONCERN, NOT ONLY TO THIS COMMITTEE BUT ALSO TO THE FBI. THESE ISSUES ARE THE REVITALIZATION AND RELOCATION INITIATIVES OF THE IDENTIFICATION DIVISION (ID) AND THEIR RELATED TOPICS OF HUMAN RESOURCES MATTERS AND DATA QUALITY. IT HAS BEEN 12 MONTHS SINCE DEPUTY ASSISTANT DIRECTOR STANLEY KLEIN TESTIFIED BEFORE THIS SUBCOMMITTEE ON THESE ISSUES. IN THAT TIME, WE HAVE ACCOMPLISHED MORE THAN WAS THOUGHT POSSIBLE, AND WE ARE ON SCHEDULE FOR THE MOVE TO CLARKSBURG, WEST VIRGINIA. THIS IS DUE FOR THE MOST PART TO THE DEDICATED EFFORTS OF THE FINE MEN AND WOMEN EMPLOYED BY THE FBI.

EVEN THOUGH THE REVITALIZATION AND RELOCATION PROJECT IS THE NUMBER-ONE PRIORITY OF NOT ONLY THE ID BUT A HIGH PRIORITY OF THE FBI AS WELL, WE REMAIN DEDICATED TO THE DAY-TO-DAY ACTIVITIES WE ARE MANDATED BY AN ACT OF CONGRESS TO PERFORM. OUR MISSION HAS TWO PRIMARY FUNCTIONS: (1) TO SERVE AS THE NATION'S FINGERPRINT REPOSITORY, BOTH CRIMINAL AND CIVILIAN; AND, (2) TO COMPILE AND DISSEMINATE CRIMINAL HISTORY RECORDS. DURING FISCAL YEAR (FY) 1991, WE RECEIVED APPROXIMATELY 8,945,000 FINGERPRINT CARDS AND 3,467,000 PIECES OF CORRESPONDENCE OTHER THAN FINGERPRINT CARDS. WE ANSWERED AN ADDITIONAL 17,993,000 CRIMINAL RECORD INQUIRIES THROUGH THE INTERSTATE IDENTIFICATION INDEX (III); OVER 54,000 NAME CHECKS WERE SUBMITTED BY MAGNETIC TAPE; AND THE NUMBER OF NATIONAL LAW ENFORCEMENT AGENCIES THE ID SERVICES HAS GROWN TO OVER 66,000.

THE ID'S LATENT FINGERPRINT SPECIALISTS PROVIDED ASSISTANCE IN SEVEN DISASTERS AND THE DESERT STORM MILITARY CONFLICT. THE DISASTERS INCLUDED THREE AIRLINE CRASHES, A HELICOPTER CRASH, A NAVY SHIP ACCIDENT, A FERRY ACCIDENT, AND A MULTIPLE VEHICLE CRASH. OF THE 286 VICTIMS KILLED IN THESE INCIDENTS, 215 WERE IDENTIFIED BY FINGERPRINTS. ALSO, WE RECEIVED 13,303 REQUESTS FOR LATENT FINGERPRINT PROCESSING WHICH RESULTED IN 2,144, OR 16 PERCENT, OF THE UNKNOWN INDIVIDUALS BEING IDENTIFIED.

IN ADDITION TO ADDRESSING THE DAY-TO-DAY ACTIVITIES, WE ARE UNDERTAKING THE TREMENDOUS TASK OF BUILDING A NEW ID FACILITY; PLANNING FOR THE RELOCATION OF A LARGE PORTION OF THE IDENTIFICATION DIVISION'S WORKFORCE; REVITALIZING OUR WORK PROCESSES; HIRING AND TRAINING EMPLOYEES TO STAFF THE TEMPORARY SATELLITE FACILITIES IN WEST VIRGINIA; AND SECURING NEW POSITIONS FOR THOSE EMPLOYEES NOT RELOCATING TO WEST VIRGINIA. I WANT TO BRING THIS SUBCOMMITTEE UP TO DATE ON THE PROGRESS WE HAVE MADE ON THESE ACTIVITIES OVER THE PAST YEAR.

IN AUGUST, 1991, WE OFFICIALLY BROKE GROUND FOR THE NEW BUILDING OUTSIDE OF CLARKSBURG, WEST VIRGINIA. IN OCTOBER, 1991, WE AWARDED A CONTRACT FOR SITE PREPARATION WHICH ACTUALLY BEGAN ON OCTOBER 21, 1991. APPROXIMATELY 10,000 SQUARE FEET OF OFFICE SPACE HAS BEEN CONSTRUCTED ON THE SITE FOR OUR CONSTRUCTION MANAGEMENT TEAM. TEMPORARY SECURITY OFFICES ARE IN PLACE.

AND THERE ARE FACILITIES AT THE SITE FOR THE CONSTRUCTION COMPANY. CURRENT SITE OPERATIONS INVOLVE EXCAVATION AND FILL ACTIVITIES RELATING TO THE FINAL GRADING AND GROUND PREPARATION OF THE SERVICE CENTER AREA, WHICH WILL EVENTUALLY SERVE AS OUR SHIPPING AND RECEIVING WAREHOUSE.

THROUGH SURVEYS AND EMPLOYEE QUESTIONNAIRES, WE HAVE MADE SURE THE DESIGN OF THE NEW FACILITY WILL MEET OUR EMPLOYEES' NEEDS. IN AUGUST, 1991, THE FBI HIRED A CHILD CARE CONSULTING FIRM TO RESEARCH AND DEVELOP CRITERIA FOR THE CHILD CARE FACILITY AT THE NEW ID LOCATION. THIS FACILITY WILL ACCOMMODATE 150 CHILDREN, AGES INFANT THROUGH PRESCHOOLER, AND WILL PROVIDE BEFORE-AND-AFTER SCHOOL CARE FOR CHILDREN UP TO AGE 12.

THE DEPARTMENT OF JUSTICE FY 1992 APPROPRIATIONS ACT CONTAINS \$12.5 MILLION AND 487 ADDITIONAL POSITIONS TO UPDATE RECORDS WHICH WILL SUPPORT THE ATTORNEY GENERAL'S FELON IDENTIFICATION IN FIREARMS SALES INITIATIVE. THIS INITIATIVE REQUIRES IMMEDIATE ACCESS TO COMPLETE AND ACCURATE CRIMINAL HISTORY RECORDS. THESE 487 ADDITIONAL POSITIONS WERE APPROVED FOR THE SPECIFIC PURPOSE OF ADDRESSING THE BACKLOG OF FINGERPRINT CARDS AND DISPOSITIONS AND THE CONVERSION OF APPROXIMATELY 8.8 MILLION MANUAL RECORDS TO AN AUTOMATED FORMAT. IT IS THE ID'S INTENTION TO STAFF THE MAJOR PORTION OF THESE WORKYEARS TO ADDRESS THIS INITIATIVE AT WEST VIRGINIA-BASED SATELLITE FACILITIES. WE HAVE ALREADY RECEIVED OVER 10,000 APPLICATIONS

FOR EMPLOYMENT WITH THE ID, AND HAVE TESTED OVER 3,800 APPLICANTS FOR DATA ENTRY POSITIONS. THE PRESIDENT'S FY 1993 BUDGET CONTAINS A REQUEST FOR \$3.4 MILLION TO SUPPORT THESE PROJECTS.

IN MARCH, 1991, WE INITIATED OPERATIONS AT OUR SATELLITE FACILITY IN THE CLARKSBURG POST OFFICE, AND THERE ARE NOW OVER 200 EMPLOYEES ONBOARD SUPPORTING WORK OPERATIONS. WE HAVE ALREADY CONVERTED OVER 53 THOUSAND MANUAL CRIMINAL HISTORY RECORDS OF ACTIVE CRIMINALS TO AN AUTOMATED FORMAT AT THE SATELLITE FACILITY SINCE JULY, 1991. WE ARE NOW BRINGING ON ADDITIONAL EMPLOYEES THERE TO BEGIN WORKING ON OUR CURRENT PRINT AND DISPOSITION BACKLOGS.

BECAUSE OF EXPANDING OPERATIONS AT THE SATELLITE FACILITY, WE WILL OPEN A SECOND WEST VIRGINIA SATELLITE FACILITY EARLY THIS SUMMER. WE ADVERTISED FOR THE SITE IN THE COMMERCE BUSINESS DAILY IN WEST VIRGINIA, AND EIGHT LOCATIONS MET THE REQUIRED QUALIFICATIONS. A REVIEW BOARD HAS COMPLETED THE EVALUATION OF THESE LOCATIONS, AND WE WILL ANNOUNCE THE LOCATION AND OPENING DATE OF THE SECOND SATELLITE OFFICE SOON. THIS SECOND SATELLITE FACILITY WILL ACCOMMODATE THE EXPANSION OF OUR DATA ENTRY EFFORTS, OUR RECRUITING EFFORTS, AND OUR TESTING AND TRAINING EFFORTS IN ANTICIPATION OF THE OPENING OF THE NEW FACILITY IN 1995.

WE ARE ENCOURAGING ALL OUR CURRENT EMPLOYEES TO RELOCATE TO WEST VIRGINIA AND ARE PROVIDING THEM WITH ALL AVAILABLE RESOURCES TO ENABLE THEM TO MAKE A WELL-INFORMED DECISION. WE PLAN TO CONDUCT AN OFFICIAL SURVEY IN OCTOBER, 1992, TO IDENTIFY THOSE ID EMPLOYEES WHO WISH TO RELOCATE TO WEST VIRGINIA. AT THAT TIME, WE WILL MOVE FORWARD WITH OUR IN-HOUSE PLACEMENT PROGRAM FOR THOSE EMPLOYEES ELECTING TO STAY IN THE WASHINGTON METROPOLITAN AREA. FBI PERSONNEL AND OUR HUMAN RESOURCES CONSULTING GROUP HAVE PROVIDED ONE-ON-ONE COUNSELING, STRESS MANAGEMENT WORKSHOPS, TRAINING INITIATIVES, AND OTHER ASSISTANCE TO ID EMPLOYEES AS THEY MAKE THEIR FINAL DECISIONS ON WHETHER OR NOT TO RELOCATE TO WEST VIRGINIA.

IN THE INTERIM, THE ID IS WORKING IN CONCERT WITH OUR ADMINISTRATIVE SERVICES DIVISION TO DEVELOP A PLAN FOR EQUITABLY PLACING ID EMPLOYEES NOT DESIRING TO RELOCATE TO WEST VIRGINIA IN OTHER POSITIONS WITHIN THE AGENCY AND FOR IDENTIFYING EMPLOYEES FROM OTHER DIVISIONS WHO WANT TO RELOCATE WITH THE ID. TO REINFORCE THE FBI'S COMMITMENT TO A PROGRAM OF EQUALITY, DIRECTOR BESSIONS STATED IN HIS LETTER DATED MAY 9, 1990, TO YOU, MR. CHAIRMAN, "...I CAN ASSURE YOU THAT ALL EMPLOYEES IN GOOD STANDING WILL MAINTAIN THEIR FBI EMPLOYMENT IF THAT IS THEIR PERSONAL DESIRE." IN KEEPING WITH THIS COMMITMENT, SINCE JULY, 1990, WE HAVE SUCCESSFULLY PLACED OVER 150 ID EMPLOYEES OUTSIDE THE DIVISION. TO ENSURE CONTINUED IMPLEMENTATION OF THE IN-HOUSE PLACEMENT PROGRAM, HIRING IN WEST VIRGINIA IS BEING CAREFULLY

ORCHESTRATED WITH TRANSFERS TO COMPLEMENT OUR PROJECTED STAFFING REQUIREMENTS FOR OUR NEW FACILITY.

IN FURTHERANCE OF DIRECTOR SESSIONS' COMMITMENT, HE MET WITH REPRESENTATIVES OF THE ID EMPLOYEE POPULATION, BOTH DAY AND NIGHT FORCES, IN AUGUST, 1991, TO PROVIDE A FORUM WHERE IDEAS AND QUESTIONS CONCERNING THE RELOCATION COULD BE MUTUALLY EXCHANGED. I ALSO MEET REGULARLY WITH ID EMPLOYEE REPRESENTATIVES TO THE DIVISION'S EMPLOYEE COUNSEL GROUPS TO ENSURE THAT I AM SENSITIVE TO THEIR CONCERNS.

CURRENTLY, ID PERSONNEL AND THE HUMAN RESOURCES CONSULTANTS ARE DEVELOPING COMMUNITY INVOLVEMENT PROGRAMS DESIGNED TO PROVIDE SUPPORT NETWORKS WITHIN WEST VIRGINIA FOR THE RELOCATING EMPLOYEES. ALTHOUGH THESE SUPPORT NETWORKS WILL BE DESIGNED FOR ALL RELOCATING EMPLOYEES, THE MAJOR THRUST WILL BE TOWARD REASSURING THE MINORITY EMPLOYEES THAT THEY ARE WELCOME IN WEST VIRGINIA, WHICH SHOULD RESULT IN MORE EMPLOYEES FAVORABLY CONSIDERING RELOCATING. ID PERSONNEL HAVE PARTICIPATED IN MULTICULTURAL OPPORTUNITY WORKSHOPS WITH PERSONNEL FROM THE WEST VIRGINIA GOVERNOR'S OFFICE AND MINORITY AND RURAL BUSINESS LEADERS. WE HAVE CONSULTED HOUSING AUTHORITIES, EDUCATIONAL EXPERTS, AND VARIOUS REPRESENTATIVE CLERGY TO ENSURE A HOUSING WELCOME FOR OUR EMPLOYEES IN WEST VIRGINIA.

THE ID HAS ALSO HIRED AN EDUCATIONAL SPECIALIST TO ASSIST IN THE DEVELOPMENT OF A LONG-RANGE RECRUITMENT PROGRAM. THE LONG-RANGE GOAL IS TO WORK WITH THE WEST VIRGINIA EDUCATIONAL SYSTEM REPRESENTATIVES TO IDENTIFY PROGRAMS THE SCHOOLS CAN IMPLEMENT TO ENSURE THEIR STUDENTS CAN MEET THE HIRING NEEDS OF THE ID, WHICH INCLUDES SUCH SPECIALTIES AS COMPUTER PROGRAMMING, FINGERPRINT EXAMINATION, AND PROGRAM ANALYSIS. IN ADDITION, THE PROGRAM CONCENTRATES ON LOCATING AND HIRING A RACIALLY DIVERSE WORKFORCE IN WEST VIRGINIA.

WE ARE COMMITTED TO KEEPING OUR EMPLOYEES INFORMED ON ALL ASPECTS OF THE RELOCATION. WE HAVE OPENED AN EMPLOYEE INFORMATION CENTER WHICH CONTAINS PAMPHLETS AND MATERIALS ON WEST VIRGINIA HOUSING, SCHOOLS, RECREATIONAL OPPORTUNITIES, AND NEWSPAPERS OF THE REGION. WE PROVIDE A MONTHLY UPDATE HANDOUT FOR EACH ID EMPLOYEE. WE HAVE SPONSORED EXCURSION TRIPS TO CLARKSBURG FOR A LIMITED NUMBER OF OUR EMPLOYEES AND THEIR FAMILIES. OUR HUMAN RESOURCES STAFF IS SPONSORING A GUEST SPEAKER SERIES, WHICH TO DATE HAS INCLUDED A REPRESENTATIVE FROM OUR ADMINISTRATIVE SERVICES DIVISION SPEAKING ON ISSUES OF PAY RETENTION, GRADE RETENTION, EARLY-OUT RETIREMENT, SPECIAL SALARY RATES, AND LOCALITY PAY. OTHER SESSIONS WERE PRESENTED IN JANUARY AND FEBRUARY, 1992, ON GOVERNMENT RELOCATION ASSISTANCE. THE FBI'S CAREER GUIDANCE OFFICE HAS PROVIDED FOR INSTRUCTIONAL WORKSHOPS GIVEN BY THE OFFICE OF PERSONNEL MANAGEMENT TO INFORM OUR EMPLOYEES OF AVAILABLE OPTIONS IF THEY ARE CONTEMPLATING

APPLYING FOR FEDERAL GOVERNMENT POSITIONS OUTSIDE THE FBI. EACH OF THESE PROGRAMS HAS BEEN VIDEOTAPED AND ALL ID EMPLOYEES MAY VIEW THESE TAPES IN THE EMPLOYEE INFORMATION CENTER.

THE REVITALIZATION AND RELOCATION PROJECT IS VITAL TO THE FBI AND THE REST OF THE CRIMINAL JUSTICE COMMUNITY. THE FUTURE OF THE ID IS THE INTEGRATED AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM (IAFIS). THIS SYSTEM WILL BE A STATE-OF-THE-ART IDENTIFICATION SYSTEM AND WILL ENABLE THE FBI TO PROCESS FINGERPRINTS ELECTRONICALLY, SIGNIFICANTLY REDUCING PROCESSING TIMES. IN JUNE, 1991, WE SENT A LETTER TO ALL USERS OF THE FBI ID SERVICES TO APPRISE THEM OF THE REVITALIZATION AND RELOCATION PROJECT WE ARE UNDERTAKING IN AN EFFORT TO REGAIN THE USERS' CONFIDENCE.

THE IAFIS WILL CONSIST OF THREE MAJOR INTEGRATED AUTOMATED SYSTEMS: AN IMAGE TRANSMISSION NETWORK (ITN) FOR PAPERLESS PROCESSING, A NEW ADVANCED AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM (AFIS), AND AN UPGRADED INTERSTATE IDENTIFICATION INDEX (III) WITH AN INTERSTATE PHOTO SYSTEM FOR MUG SHOT ACCESS CAPABILITY. THE KEY CONCEPT OF THE IAFIS IS THE ELECTRONIC OR PAPERLESS SUBMISSION OF FINGERPRINT IMAGES TO THE ID WHICH WOULD INVOLVE THE TOTAL ELIMINATION OF FINGERPRINT CARDS AT EVERY STEP OF THE PROCESS. FINGERPRINTS WOULD BE TAKEN AT THE LOCAL LEVEL BY LIVE-SCAN FINGERPRINTING AT THE BOOKING STATION; THE FINGERPRINTS AND RELATED DATA WOULD BE PROCESSED THROUGH A

LOCAL AFIS, TRANSMITTED TO AND PROCESSED BY A STATE IDENTIFICATION BUREAU; AND, IF NO IDENTIFICATION IS MADE, THE FINGERPRINT DATA WOULD BE TRANSMITTED ELECTRONICALLY TO THE ID, PROCESSED BY A VERY ADVANCED HIGH-SPEED AFIS, AND THE RESPONSE RETURNED ELECTRONICALLY TO THE BOOKING STATION WHILE THE OFFENDER IS STILL IN CUSTODY.

IN OCTOBER, 1991, THE FBI RELEASED A REQUEST FOR COMMENT (RFC) ON THE IAFIS TO INDUSTRY, MEMBERS OF THE NATIONAL CRIME INFORMATION CENTER (NCIC) ADVISORY POLICY BOARD, AND FEDERAL, STATE, AND LOCAL LAW ENFORCEMENT AGENCIES. WE ARE USING THE COMMENTS WE RECEIVED IN RESPONSE TO THE REQUEST TO VALIDATE OUR UNDERSTANDING OF THE USERS' REQUIREMENTS AND TO FINALIZE THE SPECIFICATIONS FOR THE IAFIS. THE FEDERAL COMPUTER ACQUISITION CENTER IS PROVIDING COMPREHENSIVE ACQUISITION SUPPORT TO THE COMPLETE IAFIS EFFORT.

IN ORDER TO REDUCE THE RISK ON THE DEVELOPMENT OF THE AFIS, THE FBI IS FOLLOWING THE PHASED DEVELOPMENT METHOD RECOMMENDED BY OMB CIRCULAR A-109 FOR MAJOR SYSTEMS ACQUISITIONS. BY PROCEEDING WITH THIS APPROACH, THE FBI ANTICIPATES HIGHER SYSTEM EFFECTIVENESS WITH FEWER OVERALL SYSTEM COSTS AND AN APPROPRIATE LEVEL OF RISK REDUCTION. THIS METHOD ALSO ALLOWS FOR THE APPLICATION OF NEWER TECHNOLOGIES AND BETTER ACQUISITION DECISIONS. THE FY 1993 REQUEST FOR \$100,000,000 DIRECTLY SUPPORTS THIS PHASED DEVELOPMENT: \$50,000,000 IS FOR CONVERSION

OF INKED CARDS TO ELECTRONIC IMAGES, OTHERWISE THERE COULD BE NO IAFIS, AND \$50,000,000 FOR A COMPETITIVE ACQUISITION TO ACQUIRE A VENDOR FOR DEVELOPMENT AND PRODUCTION OF THE ITN, PROTOTYPING OF WHICH IS CURRENTLY UNDERWAY BASED ON AN FY 1992 APPROPRIATION OF \$8 MILLION. IT IS IMPERATIVE THAT THIS FUNDING FOR THE IAFIS BE MADE AVAILABLE IN 1993 SINCE THE IAFIS IS A ONE-OF-A-KIND COMPLEX SYSTEM THAT DOES NOT ALLOW FOR AN OFF-THE-SHELF SOLUTION.

AS YOU CAN SEE, WE ARE WORKING WITH OTHER AGENCIES NOT ONLY IN PROCUREMENT OF THE NEW SYSTEM BUT ALSO IN ENSURING OTHER AGENCIES' NEEDS ARE MET BY THE IAFIS. DIRECTOR SESSIONS HAS REQUESTED THAT THE NCIC ADVISORY POLICY BOARD ADVISE HIM ON IDENTIFICATION MATTERS, AND WE MEET REGULARLY WITH MEMBERS OF VARIOUS SUB-GROUPS OF THE NCIC BOARD IN SUPPORT OF OUR REVITALIZATION INITIATIVES.

THE FOLLOWING ARE SOME OF THE MEANS WE ARE USING TO ADDRESS DATA QUALITY ISSUES. ON FEBRUARY 13, 1991, WE PUBLISHED VOLUNTARY REPORTING STANDARDS FOR IMPROVING THE QUALITY OF CRIMINAL HISTORY RECORD INFORMATION. THE FBI JOINTLY DEVELOPED THESE STANDARDS WITH THE DEPARTMENT OF JUSTICE (DOJ) BUREAU OF JUSTICE STATISTICS. THE BUREAU OF JUSTICE STATISTICS HAS BEEN ASSIGNED RESPONSIBILITY FOR IMPLEMENTING THE ATTORNEY GENERAL'S PROGRAM FOR CRIMINAL HISTORY RECORD IMPROVEMENT. FUNDING IS AVAILABLE FOR STATES TO PARTICIPATE AND DEVELOP STATE SYSTEMS WHICH INCREASE DATA QUALITY AND ESTABLISH DATA QUALITY

ASSESSMENT OR AUDIT PROCEDURES TO IMPROVE THEIR SYSTEMS. IN ADDITION, SINCE AUGUST, 1991, WE HAVE BEEN REQUIRING THOSE 22 STATES PARTICIPATING IN THE III TO CERTIFY IN WRITING THAT THEY HAVE SYNCHRONIZED THEIR CRIMINAL HISTORY RECORDS WITH THE ID'S RECORDS BY MEANS OF TAPES SENT TO THEM BY THE III STAFF. FURTHERMORE, PRIOR TO A STATE'S PARTICIPATION IN THE III, THE ID PROVIDES COMPLETE COPIES OF ALL ITS AUTOMATED RECORDS FOR THAT STATE FOR RECORD COMPARISON. LAST YEAR WE ALSO BEGAN A PILOT PROJECT WITH THE STATE OF FLORIDA TESTING THE NATIONAL FINGERPRINT FILE CONCEPT FOR DECENTRALIZING SOME IDENTIFICATION SERVICES. AN INDEPENDENT PILOT PROJECT EVALUATION GROUP REVIEWED THIS PROJECT LAST FALL AND MADE A NUMBER OF RECOMMENDATIONS, INCLUDING A RECOMMENDATION TO EXPAND THE PILOT PROJECT TO ONE OR TWO ADDITIONAL STATES. WE ARE CONVERTING ACTIVE RECORDS FROM THE 8.8 MILLION MANUAL CRIMINAL HISTORY RECORDS TO AN AUTOMATED MODE. THE DECENTRALIZATION OF CRIMINAL RECORDS, MADE POSSIBLE THROUGH THE FBI'S III, IS WORKING. THESE ARE THE INITIATIVES IN PLACE NOW, AND WITH THE FULL IMPLEMENTATION OF THE IAFIS, DATA QUALITY WILL BE MUCH IMPROVED.

AS THIS SUBCOMMITTEE IS AWARE, THE FY 1992 DOJ APPROPRIATIONS ACT INCLUDED FUNDING FOR A PROGRAM OFFICE TO ASSIST THE FBI ID MANAGEMENT IN THE REVITALIZATION AND RELOCATION PROJECT. THIS PROGRAM OFFICE WILL BE A PART OF A NEW DIVISION THE FBI IS ESTABLISHING AND IS CURRENTLY UNDER REVIEW BY THE DEPARTMENT OF JUSTICE. THIS RESTRUCTURING IS NECESSARY TO:

IMPROVE THE QUALITY OF THE SERVICES THE FBI NOW PROVIDES TO LOCAL, STATE, AND OTHER FEDERAL LAW ENFORCEMENT AGENCIES. THE NEW DIVISION WILL INCLUDE THE IAFIS, THE NCIC, AND THE UNIFORM CRIME REPORTS.

IN NOVEMBER, 1991, THE OFFICE OF TECHNOLOGY AND ASSESSMENT RELEASED ITS REPORT, "THE FBI FINGERPRINT IDENTIFICATION AUTOMATION PROGRAM: ISSUES AND OPTIONS," WHICH WAS REQUESTED BY YOU, MR. CHAIRMAN. THE REPORT SUPPORTS THE NEED FOR THE ID REVITALIZATION INITIATIVE.

MR. CHAIRMAN, A LOT HAS BEEN ACCOMPLISHED OVER THIS PAST YEAR. THE COOPERATION WE ARE RECEIVING FROM THE CRIMINAL JUSTICE COMMUNITY AT ALL LEVELS AND THE SUPPORT WE ARE RECEIVING FROM YOU AND YOUR COLLEAGUES WILL BRING ABOUT THE MOST EFFICIENT, EFFECTIVE, AND COMPLETE IDENTIFICATION AND CRIMINAL HISTORY RECORD SERVICE POSSIBLE FOR THE BENEFIT OF LAW ENFORCEMENT AND THE CRIMINAL JUSTICE SYSTEM THROUGHOUT THE UNITED STATES. WE ARE NOW PREPARED TO ANSWER ANY QUESTIONS.

Mr. EDWARDS. We welcome the gentleman from North Carolina, Mr. Coble. Do you have a statement?

Mr. COBLE. Thank you, Mr. Chairman. I am sorry I was a little bit tardy arriving here.

Just very briefly, Mr. Chairman, I delivered my fiscal responsibility sermon the other day, and I won't repeat that, and I appreciate you gentlemen being here.

Mr. Chairman, at the risk of getting the ire up of my good friend, the distinguished gentleman from West Virginia who sits to my right, I still remain unconvinced that this was done in a cost-effective—for want of a better way of saying it—procedure. I don't doubt that the Identification Division needs beefing up, and I think in this era in which we live where law enforcement—local, State, and Federal—is vital to the safety and protection of all of us, that is obviously important, and this is going to promote that.

But I remain unconvinced as to whether or not we did the right thing as far as fiscal prudence is concerned in going to West Virginia. Maybe we did. But I remain unconvinced. Maybe you all want to sell me the Brooklyn Bridge at the end of this thing when it is over if I ever do get convinced, but I hope it works out OK.

And, Mr. Staggers, I don't mean this personally to you, my friend. If it were coming to North Carolina, I would be elated, too, but I hope we are doing the right thing fiscally.

Thank you, Mr. Chairman. I appreciate you having recognized me.

Mr. EDWARDS. We welcome the gentleman from Texas, Mr. Washington. Do you have a statement?

Mr. WASHINGTON. Thank you, Mr. Chairman. I don't have a statement.

Mr. EDWARDS. Mr. Washington, do you want to ask questions for a few minutes or would you rather have me start?

Mr. WASHINGTON. It would be a pleasure to yield to the chairman.

Mr. EDWARDS. OK.

Do you have to build a new sewer system out there, Mr. York?

Mr. YORK. I am sorry?

Mr. EDWARDS. Do you have to build a sewer system?

Mr. YORK. Yes. Some type of sewer system will have to be constructed. Yes, sir.

Mr. EDWARDS. Do you know where the nearest one is, Harley?

Mr. STAGGERS. Not exactly. There is a—situated between Bridgeport and Clarksburg, there are adequate facilities, both are large communities that have upgraded their sewer facilities, I think, in the last 10 or 20 years. I am not exactly sure, but I am sure the FBI is looking at it further than I am.

Mr. YORK. Mr. Chairman, I believe we will tie into the existing Clarksburg system.

Mr. EDWARDS. It has the capacity? You have checked that out, and it could accept the additional load, is that correct?

Mr. YORK. That I don't know. I have information that indicates that it has been checked out by engineering personnel.

Mr. STAGGERS. If the gentleman would yield.

Mr. EDWARDS. Yes.

Mr. STAGGERS. Clarksburg, I think, is the fifth or sixth largest community in West Virginia, so it is a relatively large community that does have a fairly good upgraded sewer facility. And there is also the community of Bridgeport, which is—the FBI site is located in between Bridgeport and Clarksburg. There is a new mall that is less than 10 years old that is in that area, so they have been seeing growth in that area for a long time.

Mr. EDWARDS. Thank you. If you would please furnish us later what the plans are for the sewer, whether or not you or GSA, whoever is dealing with the contractors and the city, do have permission to access to the existing sewer system. If not, are you going to have to build your own and so forth. Just so that we have it for the record.

[The information follows:]



## U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

April 10, 1992

Honorable Don Edwards  
Chairman  
Subcommittee on Civil  
and Constitutional Rights  
Committee on the Judiciary  
House of Representatives  
Washington, D.C.

Dear Mr. Chairman:

On March 20, 1992, you conducted a hearing on the FBI's Identification Division. The main focus of the hearing was the revitalization of the Identification Division, including relocation to Clarksburg, West Virginia. At that hearing you and other Members of the Subcommittee raised questions concerning provisions for sanitary waste water treatment at the FBI relocation site in Clarksburg. In response to those questions, the FBI's witness, Assistant Director Lawrence K. York, Identification Division, advised additional information would be provided for the record. This response is in regard to those questions.

Smith, Hinchman and Grylls (SH&G) Associates Inc., Architects, Engineers and Planners, of Detroit, Michigan, are the Architect of Record for the design of the new Identification Division (ID) facility in Clarksburg, West Virginia. This architectural and engineering (A&E) services contract is directly managed by the FBI ID Construction Management Team.

During the initial phases of the A&E effort, basic facility requirements were outlined. Such requirements, in part, concerned building size, environmental support systems, and utilities. Utility requirements concerned electric power, water, sanitary waste water, and natural gas.



Honorable Don Edwards

Two options were available with regard to processing of FBI sanitary waste water. The first option concerned service from the city of Bridgeport, West Virginia. The second option concerned the design and construction of an independent waste water treatment plant located on the FBI site. The first option was preferred by the FBI and SH&G in that it would not require a significant expenditure of project construction funds to build an on-site waste water treatment plant. Therefore, meetings were held between city of Bridgeport (a city adjacent to the site), FBI, and SH&G representatives to coordinate this service (see attached minutes of meetings and letters to Bridgeport). These meetings resulted in agreement by the city of Bridgeport to receive FBI sanitary waste water.

As a matter of interest, the Bridgeport waste water treatment plant to be utilized to process FBI waste is located at the Meadowbrook exit of Interstate Highway 79. City of Bridgeport representatives advise this plant has a capacity of 1.5 million gallons per day (MGPD), and is of sufficient capacity to process local community and initial FBI requirements, estimated at approximately .2 - .25 MGPD.

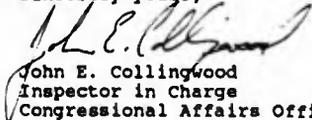
Bridgeport representatives have also advised they will need to extend approximately 1.5 miles of sewer line to the FBI site, and upgrade the lift station serving this site. This lift upgrade is part of a local area upgrade of nine lift stations. Upgrade costs are approximately \$1.5 million. Costs attributable to the FBI are approximately \$250,000. Installation of service to the FBI site is scheduled for completion in October/November 1992. The sewer rate is approximately \$3.25 per thousand gallons per month. Therefore, the approximate yearly bill for initial site service will be \$10,000.

Bridgeport representatives have further advised the plant capacity will eventually need to be upgraded to process expanded local community and FBI requirements. A final decision concerning this upgrade is anticipated in Fiscal Year 1992 or 1993. Increased capacity will either be achieved by an existing plant upgrade, and/or by construction of a second plant. Total plant capacity is envisioned at 2.5 MGPD. In this regard, the city of Bridgeport is currently developing financing plans for such an expansion. It is envisioned financing will be secured by use of a revolving loan plan and by Economic Development Authority grants.

Honorable Don Edwards

Should you have any additional questions concerning this matter, please contact Special Counsel Charles E. Mandigo, of this office, telephone number 324-6028. Your continuing support for the revitalization of the FBI's Identification Division is appreciated.

Sincerely yours,

  
John E. Collingwood  
Inspector in Charge  
Congressional Affairs Office

Enclosures (2)

4/16/91  
 F. E. Kardash  
 S. S. G. S.  
 F. E. Kardash  
 F. E. Kardash

April 16, 1991

Mayor Carl E. Furbee, Jr.  
 City of Bridgeport  
 131 West Main Street  
 Bridgeport, WV 26330

Dear Mayor Furbee,

This letter is to confirm the projected sanitary sewer requirements for the new FBI facilities to be built in Clarksburg, West Virginia. The projected sewer requirements are calculated at 160,000 gallons per day with the ultimate sewer requirements projected at 300,000 gallons per day. These requirements are for sanitary sewer only, all storm water management will occur on site through the use of retention ponds. These projected sewer requirements may fluctuate 10-20% depending on the selection of equipment in the central plant. However, the estimated sewer requirements are as accurate as possible at this point in the design.

It should be noted that these sewer requirements are projected and not guaranteed. At the present time the FBI has committed to building the initial facilities. Although further expansion of the site is anticipated, no further commitment by the FBI has been made at this time.

Construction is scheduled to begin at the Clarksburg site in September of 1991 with a target completion date of October 1994. It is anticipated that the sewer line extension providing sewer service to the site will be required by October of 1992.

In accordance with the meeting held between my staff and yourself on April 2, 1991, it is requested that the City of Bridgeport forward in writing the following information: cost estimate for the extension of the sewer piping to the FBI property, any possible tap on fees or surcharges, sewer rates for the above listed sewage usage, the proposed metering points, and expected timelines for installation and operation of the sewage line.

The support of the City of Bridgeport to meet these requirements will be greatly appreciated. If there are any further questions please feel free to contact either myself or my staff at (202) 324-2238.

Sincerely,

William E. Kardash  
 Supervisory Special Agent  
 Construction Management Group

62-116459

1 - Mr. William E. Kardash, Room 3662 TL 241

① - Mr. Zeyn Uzman, Smith, Hinchman & Grylls Associates, Inc.

JCP:jcp

## Project Team Communicat'

**SH&G**Smith, Hinchman & Grylls  
Associates, Inc.  
Architects Engineers  
Planners455 West Fort Street  
Detroit, Michigan 48226  
313/964-3000

Project 90-054

Subject

Minutes of Meeting

12-19-90

Log No. 179

1-9-91

16500.00

Date

Project No.

Those ListedE. Medling *EM*  
From**Distribution**

L. Duvall

D. Flynn

W. Kardash (5)

B. Lavonis

W. Bills

E. Medling

Z. Uzman

C. Furbee, Mayor

Corresp. to Owner

MOM

**Attendees:** 90-054

D. Grant

B. Kardash

J. Pasquerelli

SH&G

E. Medling

Z. Uzman

BRIDGEPORT

N. Chandler

C. Furbee, Mayor

M. Holmes

M. Steele

W. Thrasher

**Location:** Bridgeport City Office**Subject:** Sewer System Requirements for FBI Ident Project

Waste Treatment Plant went on line in 1977. Capacity is 1.5 Million gallons and current flow is 1.1 M in dry weather and in wet weather flow exceeds capacity and overflows into river. Bridgeport has six permitted overflow sites. Majority of overflow of the partially combined sewer system is storm water.

FBI current projections are for approximately 200,000 to 250,000 gpd total discharge. Bridgeport is aware it will have to upgrade the plant to meet the expansion of the city.

**Ident Project projections are:**

- 4/1/92 Construction Tie in - Small quantity
- 1/1/95 Initial site 200-250,000 gpd
- expanded initial site 300-400,000 gpd
- ultimate expansion 400-500,000 gpd

Bridgeport requires planning for outfalls from site.

Minutes of Meeting  
December 19, 1990  
Page 2

Outflow rate and turbidity regulated due to wetlands.

Bridgeport will pick up the sanitary sewer discharge from the site at the property line, and take it to the lift station.

Bridgeport believes expansion is required to plant, and upgrade of lift station, at their expense.

FBI will tie into Bridgeport sewer by spring of 92. FBI should put together timeline for sewage needs as it relates to construction. Consider warehouse, central plant, temporary construction etc.

Timeframes will not cause a problem with lift stations, however, central plant will require additional time for funding and renovation of the existing plant to perhaps double the size.

Lift station may cost 50K per station and about \$200-250K in upgrading the collection system. Upgrading the plant is estimated to be \$1-2 million.

FBI would look at own holding pond for tower water as an alternative, but will advise Bridgeport in the immediate future.

Bridgeport will send letter to SH&G regarding information they need about sewer discharge.

EM/smf

ff.momssr

Mr. EDWARDS. Now, Mr. York, how many Ident employees do you expect to have in West Virginia by the time the move is complete?

Mr. YORK. We expect to have approximately 2,800 by the time we are finished with the total relocation.

Mr. EDWARDS. That includes support personnel, too?

Mr. YORK. Yes, sir. That would primarily be support personnel.

Mr. DEMPSEY. Excuse me. Does it include security force, cafeteria workers, day care workers?

Mr. EDWARDS. Busdrivers?

Mr. YORK. About 200 of that total would include part of the security force, if not all of it, and other related support functions. Now, there might be on the installation more than that, but at this point we are looking at about 2,800 in total.

Mr. EDWARDS. How does that compare with your current level of employees?

Mr. YORK. Well, that is just about what we have as a staffing authorization right now, a little over 2,800, although we don't have nearly that many on board. Our staffing level shouldn't change very much between now and then.

Mr. EDWARDS. Well, doesn't the automation mean that you can do with fewer employees? Usually automation means you have to hire fewer people.

Mr. YORK. Sometimes. In this case, we are going to be handling many, many more fingerprint cards. I believe right now our average is about 35,000 a day, and we anticipate, I think, up toward 70,000 a day by the mid-1990's.

Mr. EDWARDS. Why would you have to almost double that size, that number?

Mr. YORK. This is what we anticipate we will be receiving, based on the growth we have experienced in the past.

Mr. EDWARDS. In other words, just the normal growth will cause your load to go from what to what?

Mr. YORK. That is partially based, Mr. Chairman, on a survey that we have conducted of the users as to what they anticipate they will be sending to us in a few years. So right now we are talking around 70,000.

Mr. EDWARDS. But I thought that with the pointer system that you were going to have in place there will be much less work for a criminal record. A lot of criminal records you are not going to keep in Washington any more, is that correct, or in West Virginia?

Mr. YORK. With the National Fingerprint File, that is true. We will only be receiving from participating States the first arrest card from each subject, and the subsequent arrests will be maintained at the State.

Mr. EDWARDS. Bruce, did you want to add something to that?

Mr. BROTMAN. Yes, sir. Our survey, as well as our estimated growth, indicates that we expect about 78,000 fingerprints a day without the National Fingerprint File implementation. With about 50 percent implementation in the year 2000 we are expecting in the area of 62,000-plus a day.

Mr. EDWARDS. Our war against crime doesn't look very hopeful at the moment then, does it?

Mr. BROTMAN. It certainly is a dramatic increase. But that also includes something in the area of about 20 million cards that we have never received.

Mr. EDWARDS. You know, several years ago when you told us about the pointer system, we had great hopes and you had great hopes, I thought, that—and for the benefit of my colleagues, the idea is that these are State records and they don't necessarily all of them have to be duplicated in Washington.

And the idea of the pointer system was that when San Jose, CA, asks if this particular person has a criminal record and what it is, that the index at the FBI would not have the criminal record but would say it is in New Orleans. That is where that record is kept subject to State requirements and rules and regulations.

Isn't that essentially what the pointer system is supposed to do?

Mr. YORK. Essentially that is what is going to happen. And right now we have a test going with the—a pilot project going on with the State of Florida where that, in fact, is happening right now. They are only submitting to us first offender fingerprint cards and—

Yes? Mr. Brotman has something to add.

Mr. BROTMAN. In addition, we have to remember also that about half the receipts we are getting today are civil in nature. And we anticipate the number of civil cards increasing dramatically based upon Federal legislation, as we have seen with the Airport Security Act and Federal Firearms Act and things of that sort.

It is true that the criminal card receipts, we anticipate, will be reduced by about 65 percent sometime around the year 2008 when we anticipate full NFF implementation.

Mr. YOUNG. Mr. Chairman, if I could add to that, also.

We do expect to see, based on what we are seeing today, that there is going to be a very large increase in the number of requests from State agencies to have applicants for teacher's positions, child-care worker positions and so forth run through a national system to see if those people have prior convictions that might keep them from being eligible for that job. That is growing dramatically today, and we anticipate it is going to continue to grow.

Mr. EDWARDS. Are you going to have built into the system almost instantaneous response or reporting of convictions? You know, you are so far behind on conviction records now that—how many million are you behind?

Mr. YORK. Right now a little over 2 million.

Mr. EDWARDS. Dispositions I mean.

Mr. YORK. Over 2 million.

Mr. YOUNG. But we are working very diligently to try to post those dispositions. We have a number of different programs going to try and improve both the disposition reporting rate that we get from the States and also posting the dispositions in our own records.

Mr. EDWARDS. What are you doing now about a 2-year-old felony charge, arrest, where you don't have a disposition? How are you reporting that when you get an appropriate inquiry? Is it a naked arrest shown on the fingerprint card or do you say disposition not received yet or something like that?

Mr. YOUNG. We currently send it out with an open disposition. If a disposition has not been posted to the record, then we report it as such.

Mr. EDWARDS. Yes, that is an old problem you have had because if you have—how do you know that the person wasn't freed, was innocent, tried and found innocent, the charge was dropped? So that is a great danger to individuals, isn't that correct? Without a disposition, justice cannot necessarily be done.

Mr. YOUNG. Yes, sir, in some cases it could be. But we are working very diligently to try and improve that.

As you might know, through the Attorney General's Criminal History Record Improvement Program, a total of about \$27 million has been made available to the States for them to improve, among other things, their disposition reporting. A number of States are using those funds to automate the systems to get dispositions from the courts into their criminal history records.

We are also working with the States to try to use automated methods to get the dispositions reported to them up to us so that we don't have to get that piece of paper that takes a long time to get to us in the mail, and so forth.

So we are doing a great deal to try and improve that method of posting those dispositions, and I think that when a review of the Attorney General's Criminal History Record Improvement Program is done, and I believe it is going to be done this year, I think you will see a dramatic improvement in the disposition posting rates in most of the States.

Mr. EDWARDS. Thank you.

My time has expired for the moment, and we welcome the gentleman from Oregon, Mr. Kopetski. Do you have a statement or would you like to ask some questions?

Mr. KOPETSKI. Thank you, Mr. Chairman. I do have two letters that I would like to enter into the record with unanimous consent. One is from my county sheriff in Yamhill County, OR, and the other is from the chief of police of the Independence, OR, Police Department, talking about the exciting opportunities with the computerized fingerprint program that could be married with what the State of Oregon has been doing.

Mr. EDWARDS. Without objection, so ordered.

[The information follows:]



## YAMHILL COUNTY SHERIFF'S OFFICE

Lee Vasquez, Sheriff

February 7, 1992

Michael J. Kopeteki  
Congress of the United States  
House of Representatives  
Washington, DC 20515

Dear Mike:

Sorry for the delay in responding to your memo, dated December 2, 1992, on "The FBI Fingerprint Identification Automation Program: Issue and Options."

The manual system of taking prints, forwarding via U.S. Mail to an ID Bureau, the classification process, and eventual entry into the CCH files, is a time cost and waste in manpower. The return for reprinting is unacceptable at any rate. The delay in classification of prints and entry into the CCH Files allows criminals the freedom of remaining undetected and to do business as usual, and to move freely from one territory to another.

Even in instances where there is local or regional automated print processing capability, it does not preclude release of criminals or suspects, or pending investigations in other agencies that cannot or do not have access to the files.

The manpower costs of obtaining, processing, classifying and computer entry of prints is rising annually to keep up with the rise in criminal activity.

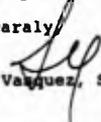
The minimum automated print system should be statewide, to include all law enforcement agencies, entry and access capability. This system should allow windows to other state computer automated systems.

Consideration should be given to include automated photo image capture and prints, simultaneously, for entry into the CCH Files.

The Law Enforcement Community will continue to play catch up, until we can routinely and rapidly share all our collective criminal information.

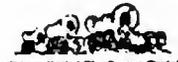
Thank you for all your assistance to the Law Enforcement Community.

Sincerely,

  
Lee Vasquez, Sheriff

---

Yamhill County Courthouse ★ 535 E. 5th Street, Room 143, McMinnville, Oregon 97128-4595  
Business Office: (503) 434-7506 ★ Jail (503) 434-7507 ★ Emergency - 911



**Department of Police**  
*Independence, Oregon*  
 97351

January 6, 1992

Honorable Mike Kopetski  
 Representative 5th District  
 The Equitable Center Building  
 530 Center St. NE Suite 340  
 Salem, OR 97301

Dear Mr. Kopetski,

Thank you for the copy of "The FBI Fingerprint Identification Automation Program Issues and Options." I am honored that you asked my opinion on this report. I find it very exciting to consider the tools technology might bring law enforcement over the next decade.

Exploring the costs of technological advancements always dampens ones dreams a little, but often when really weighed against the benefits a good case can be made to proceed. Whatever the final decisions are on automated fingerprinting, I hope the system chosen will allow for future growth and not become obsolete after just a few years. When lifting latent fingerprints from a crime scene, we never obtain a full set of all ten prints so the system must store as much data as possible. The files must include full prints of all ten fingers and the palms. Without complete files, what we lift from the crime scene may not be what is in file, and would therefore be useless.

Finally, there are a few states, Oregon being one, who already are working in the arena of automated fingerprints. Although our Oregon system is still in its infancy, we have spent a great deal of time and money on it. Any federal system adopted needs to be compatible with existing state systems or the federal government should pay those states to replace their system with one compatible to the system chosen by congress.

Thanks again for your interest on this topic.

Sincerely,

Vernon T. Wells  
 Chief of Police  
 Independence Police Department

VW/dr

MAR 27 1992

Oregon

DEPARTMENT OF  
STATE POLICE

General Headquarters

March 9, 1992

Representative Mike Kopetski  
216 Cannon House Office Building  
Washington, DC 20515-3705

Re: The FBI Fingerprint Identification Automation  
Program: Issues and Options

My staff recently had the opportunity to review the Office of Technology Assessment's background paper on the FBI's proposed program. Department members from the Criminal Investigation Division and the Identification Services Section assisted the Office of Technology Assessment in their initial research. We take a very strong interest in the direction the FBI will be taking in revitalizing their Identification Section.

My staff has prepared the attached position paper, which outlines the Department's concerns for the revitalization of the identification functions of Automated Fingerprint Identification Systems (AFIS) and the revitalization of the criminal history record information.

The Department stands ready to assist you in these and other criminal justice and public safety issues. Thank you for your continued support in all areas of public safety.

Sincerely,



R. B. Madsen, Superintendent

RBM:cb  
EN-030928  
Enc.



107 Public Service  
Building  
Salem, OR 97310  
(503) 378-3720  
FAX (503) 363-5475

**FBI FINGERPRINT IDENTIFICATION AUTOMATION PROGRAM:  
ISSUES AND OPTIONS**

**STAFF REVIEW**

In 1991, Congress of the United States, Office of Technology Assessment, published a background paper on the FBI's plan for an Integrated and Automated Fingerprint Identification System (IAFIS). The Department of State Police has reviewed the background paper. This staff briefing paper covers the concerns dealing with the FBI's proposed project.

The FBI has instituted a revitalization project aimed at bringing the FBI's identification and criminal history functions more responsive to user's needs by 1995. As part of that plan, the Office of Technology Assessment has reviewed the FBI's plan and, as a result, has published its report. The Department of State Police Criminal Division and Identification Section assisted the Office of Technology Assessment (OTA) through answering questionnaires, on-site visits, interviews, and providing photographs and documentation during the research phase of the project.

The Office of Technology Assessment report appears to accurately assess the needs and conceptual plan of the FBI.

**State Level Concerns:**

The FBI proposal for envisioned technology is conceptual at this time. The movement of the FBI Identification Division from Washington, D.C., to West Virginia has begun. Construction will take place at the new facility. Personnel will be trained, and bids will be let for the computer technology to support this project. The actual technology, however, does not exist at this time. It is the FBI's purpose to create the demand and allow the private sector computer programmers and manufacturers to provide the technology, with completion and operation anticipated June 1995.

During the time that the FBI is revitalizing its identification function, the State of Oregon has embarked on several courses to enhance the quality of criminal history record data and provide for the most aggressive use of AFIS technology available through the Western Identification Network.

Oregon joined the Western Identification Network at the time of its original incorporation. The purpose of WIN is to share resources and pool data to provide fingerprint computer technology where it was not earlier available. The second purpose was to provide computer connections between existing AFIS systems in Alaska, Washington, and California. As a result of the WIN framework, the most important issue facing Oregon in relationship to the FBI's plan is ensured and continued compatibility. The FBI's automation program must guarantee connectivity and compatibility with WIN AFIS technology.

As part of the compatibility issue, the FBI will be building a fingerprint computer system that uses a gray scale to capture and retain fingerprint images. The Western Identification Network and Oregon use black and white fingerprint images, which are called binary images. It is anticipated that a set of fingerprints in Oregon could be transmitted to the FBI over an Image Transmission Network (ITN). The fingerprints would be searched against the FBI's national data base to determine if the individual were on file. Since Oregon operates in a binary fingerprint image environment, it is possible that without ensured compatibility, the FBI would not be able to process a binary image inquiry. Technology exists to allow for both types of inquiry into the FBI's system. The Image Transmission Network must also guarantee the ability to transmit a binary image as well as a gray scale image.

The State of Oregon, through its local police agencies, sheriffs' offices, court system, district attorneys' offices, and corrections systems, is currently planning the long-term strategic plan for the improvement of criminal history record information. This plan is mandated by the federal government as part of the federal drug block grant. Five percent of the block grant will be set aside for the improvement of criminal history records if the state has a plan in place. In order to ensure continued funding for the block grant program, the Department of State Police is chairing the Criminal History Improvement Project. This plan will be submitted to the federal government for their approval. It is important that the approved plan from the State be consistent with the FBI's plan. The State faces the task of answering to the Bureau of Justice Assistance on the Criminal History Improvement Project and to the FBI on planning for the national fingerprint file and the interstate identification index. At the state level, we must insist that the federal agencies are consistent in their planning and requests for criminal history improvement.

Oregon, along with a minority of other states, has long supported quality criminal history records. Since the 1970's, Oregon has had continued growth and development in criminal history records and access. Local, county, and state agencies have cooperated in manpower resources and computer upgrades to facilitate this improvement. Since many states have not made this commitment, they find themselves behind the problem when the nation is asking for timely, accurate, and available criminal history records. These states are also asking for federal funding to assist them in the development of their records. The State of Oregon feels that because we have devoted time, energy, and money into the development, we should not be slighted by the federal government if additional monies become available for criminal history improvement or technology acquisition.

Oregon will be one of the pioneering states in the development of the national fingerprint file. Florida was the initial state, and had difficulty implementing the program. Due to the advanced nature of Oregon's records, AFIS, and improvement planning, Oregon has

requested to be the next state to test the national fingerprint file linked to the FBI. This will be accomplished without additional state or federal funds, however is based on Oregon's criminal justice community's commitment to quality criminal history records.

The Department, through its Forensic Services Division, Identification Section, continues to stand ready to assist state and national planners in all matters concerning identification.

Mr. KOPETSKI. Thank you, Mr. Chairman. I think I will hold off on my questions right at the moment.

Mr. EDWARDS. Mr. Coble.

Mr. COBLE. Thank you, Mr. Chairman.

Mr. Chairman, I dislike being the eternal naysayer, and I will try to continue my naysaying as pleasantly as possible, but after having heard the chairman's question, fellows, I am even more unnerved.

I mean—the question about the sewage disposal, for example. Your answer, gentlemen, was tentative at best. I mean, that is the sort of thing I would like for somebody to be completely on top of and have dirt flying weeks ago.

Maybe you have a better answer than the chairman received, and I don't mean to be tearing your hides off, fellows, but do you guys remember the Hubble telescope? We sent it into the atmosphere, and it didn't work. And I don't think, Mr. Chairman, we are even able to bring her back down. I don't want this to be Hubble II.

Now, I am going by memory here, and I may be wrong, but I think the total cost is approximately \$700 million. Am I in the ballpark?

Mr. YORK. Yes, sir.

Mr. COBLE. All right.

My second—again, from memory, I think we have already expended about half that, about \$333 million to be precise. I think that is correct. And I just wonder, Mr. Chairman, whether we have hands-on. I am sort of glad I gave my sermon the other day, but I don't know how much good it did, and I realize you guys are all victims of a pressure from the Hill. By George you got to locate it down there. Make it happen. I know that sort of thing happens. But fellows, we are talking about a heck of a lot of money here, and I am just hoping that this ain't going to be Hubble II.

I have questions. I don't even know whether, Mr. Chairman, I want to ask them for fear of what the answers may be. Let me try.

What is the status, gentlemen, on the second satellite? Is that thing moving along to your satisfaction?

Mr. YORK. Yes, sir, it is. We are in the process now of looking at all of the proposals from the various property owners, and a selection is going to be made in the very near future based on the proposals submitted by several property owners in West Virginia, and that—as a matter of fact, we had the meeting last week, and I believe at the end of last week sent out for additional information that the owners of the property did not provide. So that is moving along pretty much on schedule.

Mr. COBLE. That will expand your data entry efforts, your recruitment procedures or your recruitment efforts, testing and training, I presume. Anything additionally?

Mr. YORK. One of the things we are going to do in West Virginia with the 487 employees that we will be hiring this fiscal year in 1992, in satellite two, is to post dispositional information to our record system. That is one of the reason for having satellite two and hiring some of the 487 people for that satellite.

You mentioned the sewer earlier. I am informed that we have plans, specific plans, engineering studies and so forth, with respect

to sewerage for our site tying in with the Clarksburg system. I don't have that report right in front of me, but if you would like to see it, I am certain we can get this for you.

Mr. COBLE. Mr. Chairman, without being unduly onerous, I think that I would like to have the benefit of that if you all could get that to us. I think at least that may assuage some of my frustration for the moment.

Mr. YORK. We have assisting us as a contractor, probably the oldest architectural and engineering firm in the country, SH&G out of Detroit, and they are working with us on a daily basis. We have spent about \$18 million on this project so far. We have actually—

Mr. EDWARDS. Do you have a contract with them, Mr. York?

Mr. YORK. Yes, sir.

Mr. EDWARDS. A contract cost plus or do you have a fixed figure that they are going to provide?

Mr. YORK. I believe it is a fixed figure. It is a fixed figure contract.

Mr. EDWARDS. How much is the contract? For all the architectural work to be done on the new building, right?

Mr. YORK. Pardon me?

Mr. EDWARDS. This is for—you have a contract for all the architectural work to be done; is that correct?

Mr. YORK. Yes, sir, with SH&G.

Mr. EDWARDS. And how much is that?

Mr. YORK. And I am not certain how much—\$18.4 million is the total cost in that contract.

Mr. EDWARDS. How much has been paid, do we know?

Mr. YORK. I am not certain how much of that has been—\$8 million has been paid on that contract. So, so far we have spent \$18.5 million total on the project.

Mr. EDWARDS. Mr. Coble, do you have anything further?

Mr. COBLE. That is OK.

Gentlemen, I should know this, but I don't. But I don't. What is the geographic proximity between the second satellite and the first one?

Mr. YORK. We haven't selected the second satellite so we don't know.

Mr. COBLE. Six or eight bids have been submitted for locations under consideration?

Mr. YORK. Eight bids.

Mr. COBLE. And are most of those eight in the general nearby proximity?

Mr. YORK. I am confident that they are within driving distance, quick driving distance of satellite one.

Mr. COBLE. You may not know this, but do you know whether there are other plans to head for West Virginia in addition to the Identification Division and the other matters I just mentioned on satellite two? Do you know of any other proposed transfers or moves that may be in the offing?

Mr. YORK. I don't know of any other moves other than the moves to our two satellites and to our new facility in Clarksburg, but I am not aware of any other plans except movement to that final facility in Clarksburg.

Mr. COBLE. Yes, sir, did you want to—

Mr. YOUNG. Yes, Congressman.

Mr. York mentioned in his opening statement that the FBI has decided to establish a new division in the FBI, and that division eventually will be moving to West Virginia. There may be some other components that might go with that.

Mr. YORK. At this juncture, this division is going to become the division that everything in West Virginia will function under.

Mr. COBLE. Mr. Chairman, I hope that my fears are not well-founded. Mr. Chairman, pardon my use of a southern rural homily, but my late grandma used to say when things bothered her, she said, that makes my coffee tastes bad of a morning. Well, folks, this makes my coffee taste bad of a morning because I can't quite nail it down. I hope somebody is in a position to nail it down, and I hope when I said earlier \$700 million, my gosh, I hope that is all it is.

And in projects like this where there seems to be so much conjecture and uncertainty surrounding it I can see that thing going through the overhead.

I am going to shut up and listen, Mr. Chairman. Thank you.

Thank you, gentlemen, for being with us.

Mr. YORK. Well, Congressman, if I can reply to that, certainly in this project there are things that are unknown right now. We have a division of the FBI being established as we speak here, based on an instruction from Congress to establish a program office. And we are establishing one program office in this division as opposed to having to establish several program offices for the automation efforts that are going to be in that new division, namely Uniform Crime Reporting, National Crime Information Center 2000 and, of course, the IAFIS project.

So what we are doing is bringing this together under one program office within this new division, and then at some time in the future, some time around the time we go to West Virginia, everything will be in that division, including Ident, and some or all of that will go to West Virginia.

We are not certain yet exactly what of these new components will go, how many people will go. There aren't very many people in the other components. We don't know exactly because that is still evolving at this point.

So, yes, there is some uncertainty with respect to the new division and particularly, for example, how many people from the National Crime Information Center actually are going to go to West Virginia. Probably not very many. The bulk of the people there will be from the Identification Division, but that is something that will be decided at a later date.

But I agree with you. There are uncertainties in this project. We are doing everything humanly possible to examine the cost of the project, Congressman. Every week we have to send a very detailed report to the Director accounting for every dollar we spend on this project. And then periodically we have to go and give him a briefing bringing him up to date on everything we have spent on this project.

So there is an incredible amount of interest at FBI headquarters on how much money we are spending, what we are spending it for, is it necessary. There is a tremendous amount of oversight because

we share your concerns about cost. We are attempting to bring this project in at the lowest cost possible, and we will do that. And there is no question in my mind we will bring it in at the lowest cost possible to do the job.

Mr. COBLE. Thank you, sir.

Thank you, Mr. Chairman.

Mr. EDWARDS. Mr. Washington.

Mr. WASHINGTON. Thank you, Mr. Chairman.

Mr. York, I would like to focus in on the proposed computerization of the fingerprint identification system. I have attempted to study the issue based upon material that has been presented to me with the assistance of members of my staff, and I listened to the Director's testimony, I believe it was the day before yesterday afternoon, and I have a couple of areas of concerns and a couple questions. Can you hear me?

Mr. COBLE. Yes. I am straining.

Mr. WASHINGTON. Can you hear me, Mr. York?

Mr. YORK. Yes.

Mr. WASHINGTON. My concern, or the area I would like to draw your attention to and focus on briefly, is the computerized fingerprint identification system that you are in the process of designing.

First of all, I am given to understand there are several such systems in several of the States. New York, Florida, Pennsylvania are names that come to me off the top of my head. And, from what I can gather, the system that the FBI proposes to construct or let for bid will be the next stage above what is currently the state of the art. And, while I fully support the computerization of those records because I think the FBI has to get beyond the old-fashioned method of eyeballing the cards in order to make an identification with the whirls and loops and all of that, I am concerned that—not necessarily that you are going to new technology.

My concerns are several. One is that it seems that you are kind of betting on the come, as we say down in Texas, because if the system does not produce the results that you wish, we will have spent an awful lot of money when it seems to me at least we could duplicate some of the systems that have been tried, tested and proven reliable in several of the States.

Moreover, I am concerned about the compatibility of their systems with the FBI system. And I was thinking that perhaps if some day in the future we could come up with a system, either yours, theirs or a combination such that universally, at least within the United States, we could have a system by which with a common base—because, as you know better than I do, the States rely heavily upon the FBI for fingerprint identification—that we could all be singing from the same hymn page.

Mr. YORK. Yes, sir. You sound like us talking. Because that is exactly what we have been saying for a number of years. And, as a matter of fact, in developing this system, we asked for money for the current fiscal year to do just what you are talking about with respect to development of the IAFIS or the automated fingerprint identification system.

Mr. Brotman, I think, is probably best equipped to give you the detail of how the current fiscal year project is going to fit into what you ask about.

Mr. BROTMAN. There are a number of aspects to your question. I will try to hit all of them. If I miss any, I would appreciate it if you would bring it up again.

But, basically, our existing system is based upon 1960's, early 1970's technology. All of the existing AFIS systems around the country today are based on late 1970's, early 1980's technology, including the one Texas has recently put in place.

The only existing integrated system that exists today is in Georgia. It is kind of an ad hoc system that the NEC Corp. put in, and it includes their name check, along with fingerprint identification. It integrates the two. It is one of the things that we are doing in our process.

Three weeks ago we met in Atlanta in what we call a technical roundtable workshop and discussed many of the issues that you have raised here. And the general consensus, both in the Atlanta technical workshop as well as with the NCIC Advisory Policy Board—the regional working groups of the NCIC that we have been meeting with over the last 3 weeks, the next region is next week, the Identification Services Subcommittee with which we meet four times a year and what we affectionately call the “gang of four” or four representatives of the Identification Services Subcommittee with which we meet every month—agree to the following, and that is that we cannot afford to stay with existing technology.

What happens is, in the case of Georgia, for example, Bill Holland in Georgia tells me that they are spending almost \$800,000 a year in maintenance only on their brandnew system, that they are due for an update in contemplation of the Olympics, and NEC tells them they are going to have to shut down for a minimum of 10 days.

[Additional information on the Georgia system follows:]



U.S. Department of Justice

Federal Bureau of Investigation

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Washington, D.C. 20535

May 15, 1992

Honorable Don Edwards  
Chairman  
Subcommittee on Civil  
and Constitutional Rights  
House of Representatives  
Washington, D.C.

Dear Mr. Chairman:

On March 20, 1992, you conducted a hearing on the FBI's Identification Division. The principal witness was Assistant Director Lawrence K. York, Identification Division, who was accompanied by Section Chiefs Bruce J. Brotman and Virgil L. Young, Jr. Since that hearing additional information has come to the attention of the FBI that would supplement testimony given by Mr. Brotman. Therefore, I would request that this information, set forth below, be included in the official record of the hearing.

On page 32 of the transcript of the hearing, Congressman Craig Washington posed a question concerning the state of Automated Fingerprint Identification System (AFIS) technology, compatibility with the proposed FBI Integrated AFIS, and the experience of current users of AFIS. In answering these questions Mr. Brotman made reference to the experience of the State of Georgia. This testimony is found at pages 34 and 35 of the hearing transcript. The FBI has since received supplemental information from the State of Georgia in relation to this testimony.



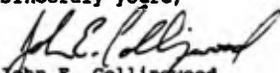
FBI/DOJ

Honorable Don Edwards

Mr. Thomas J. McGreevey, Deputy Director for Georgia Crime Information Center, Georgia Bureau of Investigation, has advised that Georgia is currently undargoing an upgrade for their AFIS system and that following completion of the upgrade maintenance costs will increasa to nearly \$800,000 annually. Actual and project costs for maintainanca ara: \$414,370 for FY 1992, \$706,615 for FY 1993, and \$764,232 for FY 1994. Additionally, Mr. McGreavey advised that the cost for the Georgia AFIS system wae \$5,718,735 and the prica of the upgrade is \$3,655,644, or a total price of \$9,374,379.

Thank you for this oppportunity to provide supplemental information for the hearing racord.

Sinceraly yours,

  
John E. Collingwood  
Inspector in Charge  
Congressional Affairs Office

Mr. BROTMAN. We can't afford to shut these systems down to make upgrades. One of the beauties of the new system that we are putting in place is that it is in the open systems environment, which is where the U.S. Government is going, something called GOSIP compliant, Government open systems, and what that will allow is for technical upgrades, maintenance, things of that sort, without shutting down. It will also allow for technical insertions at a much cheaper level.

In the Georgia system I think they paid a total of \$3 million for the whole system. If you realize \$800,000 a year for maintenance, that is not very efficient, plus the requirement to shut down all the time when they want to make upgrades. Our system won't require that.

You talked about compatability of systems. We just—within the last 4 weeks—had the last of three National Institute of Standards and Technology meetings where we have established a working draft standard for the transmission of images around the country from State to State and to the Federal Government.

What that allows us to do is to take each system and have it talk to any other system. Since today, the way the old systems work basically is they take a hard copy fingerprint card, they make it into an image, they extract the minutia or features from that image and then process it with some proprietary algorithm. None of the vendors were willing to give up their proprietary algorithms.

But by making a standard image from which we all start, there is no need to give up that proprietary algorithm and it allows all of us to talk no matter what system is in place.

I also note that many of the systems that are going in place right now—New York is a good example, the Morpho system, has had tremendous problems. They are still not up. They are about—I can't recall now whether it is 1 to 3 years behind putting it in place, and they question whether they will ever be able to handle New York's workload.

So there are real problems with existing technology. We have done a great deal of work in terms of research and development and market surveys of where technology is going. We are absolutely convinced that we are not betting on the come. That technology is about there, but even if it is not, our entire cost-benefits analysis is based upon existing technology so that in the worst case we can put in existing technology which would be the worst possible thing we could do, but we could do it if we had to.

Mr. WASHINGTON. If I may follow up, Mr. Chairman, with Mr. Brotman.

Thank you for that answer. You understood my question perfectly and narrowed my concern and allayed some of my suspicions. Maybe it is an oversimplification, but, as I understand the procedure, when we get a new system we have to feed all the existing system into that new system and then the States have their several systems.

I am sure you all have discussed it, and I am sure there is a reason why it can't be done, but if you treated all of the local outlets, every county in America, every city in America that has a police department that either gives information to or takes fingerprints for whatever reason, based upon arrests and the like, if—and I

don't want to make the Federal Government the big brother in this or anything like that—but it seems to me that if we all had a common system, maybe by having the Federal Government provide grants to the States or pay part of the cost to give them an incentive to go in one direction, we end up saving money on the other end because we don't have to reinvent the wheel.

We don't have to take their hard copy cards of fingerprints and put them into the Federal system. We can let them, if we could rely upon their degree of accuracy, which in most instances, not to denigrate the local law enforcement agencies, but in my 20 years of practice in criminal law, never rose, in my judgment, to the level of professionalism that I also found in the FBI. If the FBI said it was a hit, I never questioned it.

I practiced criminal defense law. I am here, as far as I am concerned, because I trusted the credibility, because I understood how the system worked within the FBI. I say that to say this. If we, rather than have them send hard copy up and spend a whole bunch of money, I think it was \$1.50, \$1.80 the Director said the other day, to input them all into the system, train them if necessary, down in Quantico or whatever, so the FBI could trust the reliability of the information that comes in on that end.

Let them put that into their systems. Let the systems get on line with each other, and then the FBI would have a complete master file of every set of fingerprints on line when it is put in at the local level rather than having them put it in their system, which may or may not be directly compatible and may require some software in order for one to speak to the other. Then have the hard copy come up, have all these employees for the FBI putting the same information in so that we could get the same results.

Mr. BROTMAN. I think what you are saying is that, instead of converting the hard copy fingerprint cards we have currently, we should receive from the States their existing images and use that to build our data base? Is that basically where the question lies?

Mr. WASHINGTON. Yes, sort of, but go ahead with the technology to the level where FBI wants it to be. You want to be able to use a computer-based system of identification and recognition and comparing of latent prints with known prints.

That is what fingerprint identification is designed to do. Require the States—not require them but kind of cajole them through grants from the FBI—say Houston, TX, Houston's Police Department, Paris County Sheriff's Department, we would like for you to pay your fair share for this system. Buy whatever computers you need. Buy the telephone lines, the modems, whatever would be required in order to interface directly with the system you have. So they are going to have to convert all of that to whatever system they come up with. We are going to have to convert all of that to whatever system you are proposing. Then you have to worry about whether the systems can talk to each other and get necessary software and assure that they can.

It seems to me you take two steps out of that process if you—it would be better to pay them probably half the money that it is going to cost us to duplicate those records to get them on the same system. Because once you have the whole country on one system

you don't have to worry about interfacing and technology and all that in the future.

My question is—I am sure you have given some thought to it—is why didn't we go in that direction.

Mr. BROTMAN. I certainly would like it if everybody was on the same system, but I don't think competition will allow that, No. 1. No. 2, the development of the NIST standard allows for each of those systems to exchange information, and the vendors are involved in the development of that process.

We cannot take existing images from the States and use them in our system or in the development of our new data base principally because, while all existing vendors capture images at about 500 pixels per inch, they only store something in the area of about 250 pixels per inch which are 250 per inch below what we have established as a standard.

So it would require the States to reconvert that old data, which they have already done, which would be prohibitive from a cost perspective for them to do, as well as from a time perspective. We also know that there are a great number of areas that have not gotten automated systems so that we have to be doing that also anyhow.

And in our dealings with the NCIC Advisory Policy Board and many other groups around the country that represent our users, we have debated this over and over and over and have reached the consensus to include, in fact, the Office of Technology Assessment report, which has reviewed our approach to this development effort. And basically everybody agrees that what we are doing is the most cost-effective, most appropriate approach to solving the problem that the criminal justice community has in terms of identification.

Mr. WASHINGTON. One comment and one question and I will be finished.

I overlooked the fact that every jurisdiction does not have the sophisticated technology and all of that, but it seems to me at least every State has it, and—every State doesn't?

Mr. YORK. No. Only 33 States do today.

Mr. WASHINGTON. Well, if an arrest is made in Podunk, TX, and they don't have anything but fingerprint cards, don't they report either to the county sheriff or to the State?

Mr. BROTMAN. Texas happens to be a single source State, but not all States are and not all States have systems.

Mr. WASHINGTON. You mean every State doesn't have the ability when an arrest is made in one part of the State to have access to that information at least statewide?

Mr. BROTMAN. Only in a manual mode.

Mr. WASHINGTON. OK. Well, if they have it in a manual mode at every State level, my point again would be that if we could be compatible with every jurisdiction, at least with every State. Because if the cities that don't have technology feed into the States and the State has the universal system at least for that State, at least we would have had the assurance that when an arrest is made—because people are so mobile. Like the Director said on Wednesday, criminals know no boundaries. They may commit a crime in California and catch a plane and be in New York the next day or 2 days later, and they get arrested for something.

We don't have any way of tracing back the fact that they have been arrested in another jurisdiction because we are not talking to each other. Is that what you are trying to go with technology?

Mr. BROTMAN. Yes, sir. We are trying to be compatible with at least a single source in every State. That is our direction. And you are perfectly right by the way in terms of the mobility of the criminals. A recent review of the Western Identification Network statistics indicates that over 30 percent of the arrests are in jurisdictions other than that within which the arrest was made.

Mr. WASHINGTON. Thank you, sir.

Mr. EDWARDS. But the case that Mr. Washington brings up, the arrest is made in California, the criminal commits the crime in California, then goes to New York and gets arrested and he has a record in California, and the FBI also has another file, don't you—I guess you operate it through the NCIC—a more simple file of identification that you can use quickly, name, sex, age, race, those things like that, isn't that correct?

Mr. BROTMAN. There is what we call the hot file in NCIC which lists wanted people by name. And if you assume that somebody is honest with you and gives you their real name if they are wanted, that certainly would be of some value. The same thing would hold true in terms of III where, once again, if you do a name check, the assumption being that they are being honest with you, and there is some reason to believe that that is not always the case, you do have a hit.

And we do, in fact, hit about 65 percent of our incoming arrests today in III. Basically, those are our recidivists, but that is not always the case. We do know that, for example, something in the area of 29,000 fugitives a year are released because we don't get the information back to the arresting officer soon enough as to who that person really is.

Mr. WASHINGTON. If the chairman would yield—I did not properly explain my concern.

A crime was committed in California. Latent fingerprints are taken from the scene of the crime. The criminal is in New York. He gets arrested for something obviously unrelated to that. If we don't have a system that allows us to take the latent print—it may be compared statewide in California—but if we had a system where we could, if not instantaneously but within a short period of time, make a fingerprint comparison based upon arrest in New York, if not for a particular individual but for a particular description, but just on the fingerprints it seems to me the person should not be placed on bail even though it was a petty crime in New York but it was a serious crime in California.

That is where I think the FBI was trying to go.

Mr. BROTMAN. Yes. My response was with regard to 10 fingerprints.

Using California, for example, with an arrest made in New York, Los Angeles could make that latent print locally. If they did not get it, they could check the L.A. sheriff. Then they could check Sacramento and then us.

So there is a hierarchal kind of approach being built into the system.

Mr. WASHINGTON. In your judgment we are moving in a direction where we are not going to be perfect but where we increase the probability that if we have a good latent print, regardless of where the individual may be, if we have a good print anywhere in the States we will be able to make a comparison between that print filed in one place and another that may be far away?

Mr. BROTMAN. Yes, sir. Based upon the fact that we are going to an image system. If you start with the basis of common image, there is no reason we cannot access that same image.

Mr. WASHINGTON. Thank you, Mr. Chairman.

Mr. EDWARDS. Mr. Staggers.

Mr. STAGGERS. Thank you. I only have two questions.

The gentleman from North Carolina commented, and I would like to follow up. He mentioned Hubble II. I guess my comment would be to go out and see the site. If you see the community and the site—I know the busy schedules that the subcommittee has, but if any Member would like to visit the site I will be glad to accompany you to the site so you can have a better idea and feeling.

As far as some of the cost factors, I know West Virginia is low in cost.

Mr. Cox has sung the praises of the cost of living and quality of life. He mentioned to me that his child was in Fairfax County schools and was getting a better education, and they may be moving to West Virginia.

I think the bottom line is the expansion of the FBI and the technology, as Mr. Washington has commented. I think that is something we need to be doing in the Congress, moving toward the technology.

I had legislation recently about fighting the war on crime. I think this is something we can go a long way in doing. There is an underlying current as sort of the site selection, the stuff about whether there is capability in the sewer system and such.

I can tell you from personal experience when there were rumors that FBI was coming to West Virginia there was a lot of lobbying. Some felt the site should be farther south than it is. I was told by the FBI that it had to be in this area, and there would be no other pressure brought to play.

This was the FBI's selection. This is something where they obviously looked at the quality of life, education facilities, the housing, and this was a good decision by the FBI.

I did not have any questions. Thank you.

Mr. KOPETSKI [presiding]. I thank the gentleman from West Virginia.

Does the gentleman from North Carolina have any questions?

Mr. COBLE. I think not.

Mr. KOPETSKI. The gentleman from Texas, Mr. Washington.

The chairman is going over to vote. I think we will continue going and work through some of these issues.

Ms. Hazeem.

Ms. HAZEEM. Thank you, Mr. Chairman.

I have one question I think has been asked. I don't know that there has been a clear answer. That is, other than the Identification Division and whatever functions are associated with this new program office, are there any plans or any thoughts to move any-

thing else, any parts of the Bureau that are in the headquarters office to West Virginia? Because I think it is going to be rather a big building.

As I have heard from the Members here, they are concerned that other things may start slipping away.

Mr. YORK. The building is being designed for the Identification Division, the roughly 2,800 people we intend to have on board.

With the establishment of the Criminal Justice Information Services Division, CJIS as we call it, we are going to bring into that division the NCIC Section plus the Uniform Crime Reporting Section. These are relatively small sections. I believe the UCR Section is around 100 and the NCIC Section is about the same size, I believe, 70. Only a portion of that, say 100 positions, only a portion of that will go to West Virginia. We are not exactly sure how much.

Some computer equipment will go to West Virginia. That will be decided in the future. We don't know whether it is just the computer equipment or the personnel or just some of those 100 people will go. They will fit easily in that building because of the size of the building.

As far as I know that is it, at least at this point.

Ms. HAZEEM. Are there any thoughts about others?

Mr. YORK. Not that I know of. The only thing that could be part of this division would be some kind of data base that our laboratory keeps. Someone might decide that that data base that does not take up much room might be better managed by the new division, but, again, we are not talking about a lot of people.

Ms. HAZEEM. Just one more question.

You have asked for \$50 million to convert to an electronic image format. I would like to understand how you know what kind of electronic image format is going to fit into a system that you have not designed yet. That is something I am having trouble understanding.

In other words, you are going to turn these cards into an electronic format which you don't have, as far as I know, the system that these will go into. How do you know once these things are transferred they will fit into this system?

Mr. YORK. Let me ask our expert on image conversion to answer that.

Mr. BROTMAN. That is a good question.

I discussed the NIST meetings before with Mr. Washington. We have established a standard for images. We had a working draft completed on that image, including the size of the image, the fact that it is 500 pixels per inch, the text fields that will be associated with that image. All of that will be done during the conversion process.

What will not be done during the initial conversion process is the further conversion of those images to features. Notice that I say features and not minutia. Today we work with minutia in the existing systems. We don't know what the system will be or what the vendors will propose nor do we want to limit what they will propose.

We know if we start with image, et cetera, and get that conversion done early, the machine conversion from image to feature is relatively easy and inexpensive by comparison to the entire project.

That is how we can do it, basically, and not know what the new system will be.

Ms. HAZEEM. So you have done cost and workload analysis on the features of conversion then?

Mr. BROTMAN. Mitre has talked to vendors for us to come up with an approximation of the cost to convert the hard copy cards to images.

Ms. HAZEEM. Does the \$55 million include both of those things?

Mr. BROTMAN. Yes.

Ms. HAZEEM. That is not just for the fingerprint cards, but it is the electronic features as well?

Mr. BROTMAN. Yes, it is.

Ms. HAZEEM. Thank you, Mr. Chairman.

Mr. KOPETSKI. Let me ask you about the overall control, if you will, of the project. I think the conference report last year asked that the Bureau establish a program office, an independent program office dedicated solely to relocation of the Identification Division and the automation project. Could you give us a status report on that and if there is an overall project manager?

Mr. YORK. The program office will be established within the new division that we are creating. Because the IAFIS project is involved in creating an image transmission standard and because in NCIC 2000 they are also in the process of creating an image transmission standard for fingerprints, it was believed that instead of having maybe three different program offices, one for the IAFIS, one for NCIC and one for the Uniform Crime Reporting, instead of establishing possibly three of these offices, we will establish one office within this new division, and this technology development will go forward in a consolidated manner.

When you think about us letting contracts to develop image transmission standards for fingerprints and then another portion of the FBI doing the same thing, it makes sense to bring it altogether under one manager.

That is exactly what we are doing. This office mandated by Congress is in the process of being established right now in this new Criminal Justice Information Services division.

Mr. KOPETSKI. What is the timeframe on that?

Mr. YORK. I don't know. The Assistant Director was just appointed within the last 2 or 3 weeks.

Mr. KOPETSKI. Are you talking months?

Mr. YORK. We are talking months because he is recommending to the Director his executive staff, and after that his executive staff will have to determine the actual structure of this division and what are they going to take from the Identification Division as it exists now into this new division to begin with and what are they going to take from the other divisions now to do the job they are mandated to do. I think you are talking about several months to get this new division up and running.

Mr. KOPETSKI. Many of us support the idea of this project, and we have to sell this idea to our fellow Members. It is really difficult.

I think there is great value in having a project manager. I think the sooner that that can occur the better because, one, the Congress has asked for that, and there is no appropriation because

they are asking the same questions. It also gives us a person we can go to to say, are you on course. It is a whole credibility, responsibility system that needs to be in place because it is a very expensive program.

I know the gentleman from North Carolina, for example, has great concern about the costs, and the chairman of the subcommittee has great concerns about cost overruns. So I think this would ease a lot of concern among the Congress if we had a project manager in place.

Even though, on the one hand, it seems to me what you are saying is that we are taking a very responsible approach in trying to avoid duplication, No. 1, and coordination, No. 2, a methodical way of working through those issues, there is a need from those of us who have to put our votes on the line for this amount of money to say, well, let's see that they have also got a project manager. That is the politics, if you will, that are involved as well.

I have to go vote. Thank you.

Mr. EDWARDS [presiding]. Do you want to respond to what Mr. Kopetski said?

Mr. YORK. I would just like to say that the appointment of the new Assistant Director and his approval by the Attorney General is a step certainly in that direction because he ultimately is going to be responsible for the program office to oversee the development of the Integrated Automated Fingerprint Identification System and the other components of this new division that is being established.

Mr. EDWARDS. You are the big boss, Mr. York. Are you out there on a daily basis making sure everything is going right and dealing with the architects and dealing with the builders and everything? There is somebody from the FBI in general charge, is that right?

Mr. YORK. Yes. That is right. As a matter of fact, we have people on the site, engineering people primarily on the site.

The managers that are here in Washington, DC, some of whom are behind me now, do make trips to West Virginia. We usually have someone over there most of the time from the management staff. We have constant communication with the building site. We know almost on an hourly basis exactly what is going on because we have to be able to report this to the Director every week.

Yes, we know what is going on even though I am not personally over there all the time nor is Stan Klein or Don Flynn. There is enough travel over there and we have enough communication with the people on the site to know what is going on on a daily basis.

Mr. EDWARDS. Mr. Dempsey.

Mr. DEMPSEY. I had thought the point Mr. Kopetski was making was that the direction to establish a program office was signed into law 5 months ago, and that person is still not in place. There is still no independent program office solely dedicated to the revitalization and relocation project, which is what—it is not even report language. It is public law language. It was written right into the law and signed by the President.

That person is still not there. The Director has designated a new division and put a new division head into place. That division will have a range of responsibilities including IAFIS, NCIC, UCR, and whatever else is placed in that new division. But the direction on the program office has not been complied with yet.

I think you said that it would be several months further down the road before the new Assistant Director, on a division which has not yet been fully approved in the executive branch even, a new division Assistant Director, then selects a program manager and establishes a program office.

I guess I would ask if you have any explanation why 5 months after something was signed into law we are still several months away from seeing the program office established to oversee the automation and relocation project.

Mr. YORK. I have no specific explanation other than things do take time. This particular action by the FBI has taken some time. We did not just establish a program office—which would have been simpler, granted.

But the establishment of a division to establish a program often does take a little bit more time. This is the way that the executive management of the FBI have chosen to go. I think that is the explanation of why it has taken a little more time.

I think once Mr. Christensen, who has been designated Assistant Director, once he has been able to identify his executive staff, I think it will go relatively fast. They will identify their structure and put people in place relatively fast, but it will take some time.

Mr. DEMPSEY. Let's take the 8.8 million manual rap sheets the Bureau has. These are exclusively records on relatively older persons. The more current records on younger person are already automated, and you have 18 or 20 million automated records, right?

Mr. YORK. Automated records are in the neighborhood of 15 million.

Mr. DEMPSEY. Fifteen million automated and 8.8 manual?

Mr. YORK. That is right.

Mr. DEMPSEY. What does automated mean when you talk about automated rap sheet versus manual rap sheet?

Mr. YORK. Manual is a piece of paper like we have here which contains identity of contributors, name under which the person is arrested, dates of arrest, the charge and dispositional information. That is a paper rap sheet. It can be anywhere from one to numerous pages with a group of lines across for each arrest. The automated rap sheet is that information in automated form, computerized.

Mr. DEMPSEY. How do you retrieve that? How is that computerized information available to an ID employee?

Mr. YORK. It is available under an FBI number. Each of our records has its own unique number.

Mr. DEMPSEY. It is also available on a name basis, isn't that right?

Mr. YORK. Yes. To access it you can access it using the name, date of birth and descriptors.

Mr. DEMPSEY. If a card comes in and you get a hit on the basis of name indicating the record is in your file and some other date of birth type descriptors you can call up that rap sheet?

Mr. YORK. Yes.

Mr. EDWARDS. But the automation does not help you classify the prints.

Mr. YORK. If we are talking about rap sheets on the one hand and fingerprint cards on the other, they are two different things, although they are related.

Mr. EDWARDS. The fingerprint card comes in the mail from, say, San Francisco, right?

Mr. YORK. Yes.

Mr. EDWARDS. But you have no system for automating through the new system any other way of classification but manual?

Mr. YORK. Right now all we can do, Congressman, as we have since the 1920's, is take a magnifying glass and examine each fingerprint on that card and interpret the pattern and create a Henry classification by tracing the flow of the whorls and tracing the ridges on the loop. That is strictly a manual function.

Mr. EDWARDS. I was taught that 52 years ago when I was an agent. I am rather disappointed—don't some systems, when they get that fingerprint card, they are able to do more for classification than doing the old manual system?

Mr. YORK. I think some State systems have a pattern level classification available in their system. I don't believe any go beyond the pattern level.

Mr. EDWARDS. Won't that cut down the work?

Mr. BROTMAN. There is only one automated classification system today and Print Track has that system. It is not effective for the kind of data base we are talking about. We are, however, exploring the possibilities of a new approach for automated classification currently using more than pattern classification. But if the new system requires manual classification, we will go no deeper than pattern classification. We expect the maze and neural networks, we will hopefully have that in place when the system comes up.

Mr. DEMPSEY. Explain a bit. Aren't you moving away from the concept of classification with IAFIS? Isn't IAFIS supposed to get you away from classification?

Mr. BROTMAN. No. Everybody uses classification. The difference is everything else uses only a pattern level of classification. The reason is it is less manually intensive. The reason is something we call binning.

In other words, if you are looking for a loop, there is no reason for a searching a whorl so you bin all the loops together. The smaller the bins are the less computer horsepower is required to search those bins. That is a function of classification. In our existing Henry system we have a vast number of bins. It is so tight in terms of the classification that we are defeating ourselves. We hope to come up with an automated approach to classification that will allow a binning structure that exceeds today's technology to allow us to do it more cheaply and effective.

Mr. DEMPSEY. Automated classification?

Mr. BROTMAN. Yes.

Mr. DEMPSEY. How does the California system work?

Mr. BROTMAN. It is manual at the pattern level.

Mr. DEMPSEY. That allows them to search automatically the card against a subset?

Mr. BROTMAN. Yes, that is correct.

Mr. DEMPSEY. So, anyhow, you have automated rap sheets in your computer data base, 15 million. You have 8 million older people whose rap sheets are only on paper.

Mr. BROTMAN. 8.8.

Mr. DEMPSEY. To get the rap sheet, you have to pull the piece of paper. Now you are undergoing an effort to take those 8.8 and enter the rap sheet information, arrests, et cetera, into your computer.

Mr. BROTMAN. Or at least that percentage which is active.

Mr. DEMPSEY. That is the question. At the current rate, the effort to enter all 8.8 will take 10 years at a cost of between \$5 million to \$8 million a year. Right now you are only automating active records. If there is a hit against a record, you automate that record. That is keeping you busy just keeping pace with currently automated records. The concept was to automate all 8.8, activity or not. Where do things stand on revisiting that and tailing off that process as you hit fewer and fewer manual records?

Mr. YORK. I don't believe, Mr. Dempsey, that we have a specific plan to tail off inasmuch as the automation of the 8.8 million that is going on.

We are doing about—we have done about 53,000. We are doing about 1,000 a day, on a 5-day workweek.

So we are falling behind even on the ones that are activated because we are getting about 3,000 a day activated in or maybe it is 2,000. So we are falling behind little by little.

But we intend to use part of the 487 people we are going to be hiring in West Virginia to work on this process. Someday we are obviously going to reach a point where we are starting to automate those records that have not been activated, that are in the file and have had no arrests for awhile.

Mr. DEMPSEY. Are you still intending to do that or is that still an open question?

Mr. YORK. It is not really open. Our Advisory Policy Board has pretty much insisted on this project with us—that we automate all those 8.8 million records.

Mr. DEMPSEY. Are they willing to pay \$8 million a year for that effort?

Mr. BROTMAN. If I can add to that—there is something called the MARC Project underway right now. It is the development of an intelligent character reader system. The cost is about \$856,000, I believe, to develop an optical character reader with intelligence to allow us to read that data into the system so we don't have to data load it.

I think you have seen some of these rap sheets. The information is not necessarily consistent from rap sheet to rap sheet. That is why the requirement for an intelligent character reader. The development looks positive. I think we will be able to do a quicker, better job with that in the future.

Mr. DEMPSEY. It is safe for the States to say convert all 8.8 million when they don't have to pay. They are saved converting all 8.8 and nobody has asked for them. They are records on which there is no activity.

Mr. YOUNG. Everybody is in complete agreement that we need to automate the records of the active criminals in there. We will reach

a point where there will be no activity, but there are reasons to have them automated for other purposes as well as active criminals. For example, to identify someone trying to purchase a firearm who has a conviction in the past, although it may have been 10 years ago. There is no current activity but that would prohibit that person from purchasing firearms. That is only available now from our manual system, and it is difficult and time consuming to get to.

Mr. DEMPSEY. The States have a duplicate of that record. They have decided not to go back and automate it. If they wanted to have it available, they could have automated it at the State level.

Mr. YOUNG. The person may have been trying to purchase a firearm in the States other than where they were arrested. The State where they purchased it might have automated that record, but we may not have automated it because our automation requirements were basically not the same. The State decides which records they were going to automate, and we set up our own standards as to what we were going to automate.

Mr. EDWARDS. Are you working on the system—I will call it the McCollum system because it was his substitute that Congress enacted into one of the crime bills, where a person can go into the gun shop and the gun shop owner can instantly access a data bank to find out whether or not he should be selling a gun to this person—have they asked you to do the work for that?

Mr. YOUNG. Yes, sir. We are. Right now we are working with the State of Virginia on a pilot project where we are going to be extracting felony conviction flags out of the Virginia State system and making those felony conviction flags available through III, the Interstate Identification Index, so if a gun agency gets in touch they can tell if that person has been convicted of a felony crime and is ineligible to purchase a firearm.

We have a program ongoing with the State of Virginia. We believe it will be implemented this summer. We will evaluate that project and next fall come out with an evaluation report and offer it to other States.

Mr. EDWARDS. You are charging banks, savings and loan institutions and what other private institutions, what is it, \$18 for rap sheets when they send you prints?

Mr. YORK. \$23.

Mr. EDWARDS. How much does that bring in a year?

Mr. YORK. My accountant says about \$50 million in total.

Mr. EDWARDS. Does that go back to the Government or does that stay in your bank account?

Mr. YORK. Most of that is used to pay for the processing of the prints. I think it is \$6 per card from the non-Feds which goes into an account which helps us automate the Identification Division. So part of the money being spent on this project is user-fee money, \$6 per card. I believe the rest of it goes into helping us pay the salaries of the people who are doing the work.

Mr. EDWARDS. This money is off budget. You don't have to ask for it. It comes into your own account, and you can spend it in a way you described. I have no objection to it, but you don't have to ask for that in your budget request?

Mr. YORK. We have to ask for a certain amount of authority for reimbursable positions.

Mr. EDWARDS. Are the requests increasing? Is that demand increasing so that more and more State requests for civilian use are coming through, day care centers and whatever? Are the States constantly authorizing or asking for new services insofar as criminal records are concerned?

Mr. YORK. I think they are, Congressman. New laws are being passed. Our receipts are down in the user-fee area, both Federal fee and State and local, but there are new laws being passed. I received one from Colorado, a new law requiring an applicant for licensing to be fingerprinted and the fingerprints to be sent to the FBI.

So while our receipts are down a little, additional State laws are passed.

Mr. EDWARDS. For every State law that is passed, it presents you with more work to do. You get your \$23 per rap sheet?

Mr. YORK. If the law requires those civil print cards to be sent to the FBI after they go through the State bureau and that law is approved by the Attorney General allowing the FBI to process the card, then, yes, we would receive the user fee.

Mr. EDWARDS. The subcommittee has always looked upon that program with some skepticism. It has always been our aim and I believe the goals of the FBI are to have as much use by the criminal justice system as you are authorized.

The purpose of the FBI is fighting crime. The more you become an information service for noncriminal justice purposes, it is troublesome. A lot of the information is confidential information, and perhaps these people should not get it.

As you know, we have problems with the probabilities of racial discrimination insofar as rap sheets are concerned. At a future date, we want to talk to you more about that. We don't want this particular practice, this service that you are providing to the States and to private institutions in the States and counties and cities and private firms to just sort of be overwhelming. Do you understand where I am coming from on that?

Mr. YORK. I certainly do. We have had those discussions before. I do understand that.

Mr. YOUNG. If I could—

As I was saying, that concern is shared by State and local law enforcement agencies as well because the number of these requests that we are getting for checks for teachers, for child care workers, for other purposes out there is increasing. A number of those requests are growing even more than they are on us on the State identification bureaus. Their concern is that their systems will be so overcome by these requests and driven by these requests that they will not be able to respond adequately to the law enforcement requests.

One problem that we have with the improvements we are making in our system is that as this information becomes more readily available the States are making increasing demands for those records so people can get them more quickly. I believe unless something is done we are going to see the same effect.

Mr. EDWARDS. All private institutions, banks and day care centers and whatever still have to pay money. Nobody is getting a free ride, is that correct? State agencies, the State highway department, do they pay a fee?

Mr. YORK. No. If it is for licensing and employment they have to pay the fee.

Mr. EDWARDS. Mr. Dempsey.

Mr. DEMPSEY. In terms of the new system being designed for West Virginia, what mechanisms will you have for requesting dispositions from the States on records that are lacking dispositions?

Mr. YORK. We anticipate receipt of more dispositional information using machine readable data. Let Mr. Brotman take a crack at that.

Mr. BROTMAN. In part, I think Mr. Young can answer that better than I can.

Part of the whole concept of the NFF puts the onus back on the States to maintain their own records. We will be the holders of only the first arrest from each State. The States will have responsibilities under NFF for maintaining arrest information on each arrest thereafter as well as the first arrest.

Mr. YOUNG. That basically is it. NFF will have a big impact on making disposition information more readily available for requestors.

Mr. DEMPSEY. What assurance do we have that NFF will be in place come the time that the West Virginia move happens?

Mr. BROTMAN. We believe NFF will be about 50 percent in place by the year 2000. It will not be until 2008 that NFF will be 100 percent in place. That is the reason the machine readable data to accommodate those arrests we already had records on and future arrests we are taking responsibility for as opposed to the States taking responsibility for those new records.

Mr. DEMPSEY. That machine readable submission of disposition data assumes that the States will do the right thing on their own initiative.

Mr. BROTMAN. This is more than their initiative. It is strongly supported by the NCIC Policy Board. There is a great deal of recognition on the part of the States that this is really in their own best interest also. We all have a responsibility for complete accurate records.

Mr. DEMPSEY. Will you have any mechanism for notifying States that you have a record for which you are responsible that does not have a disposition?

Mr. BROTMAN. Yes. This is a conversation I believe you and I had some time ago. As I understand, our auditing procedures will allow for that specifically.

Mr. DEMPSEY. Last year at our hearings the OTA recommended that the FBI study various alternative designs for the AFIS system and look at those alternatives in terms of tradeoffs that they would represent, cost and benefits. Have you done that? Have you looked at various alternative designs for the system?

Mr. BROTMAN. Let me say yes and no to your questions. Yes, we are going to be looking at alternative designs. We are not going to be designing the system. We are establishing the functional parameters. The vendors will do the design. That allows for the greatest

amount of flexibility and technological insertions as well as the cheapest answer in the final analysis. We have not got to the point of having an RFP on the streets, so that has not begun.

At the same time, through the cost benefits analysis, we have a way of estimating the benefits of a new system based upon current technology which, after all, is the only technology we are aware of. We cannot look at other design alternatives in that respect either with the exception of looking at different vendors who basically do the same as everyone else. We are hoping new technology will come along which we will have the opportunity to review when it is presented to us.

Mr. DEMPSEY. Thank you.

Mr. EDWARDS. I am kind of disappointed. Years ago we would talk to you about these fingerprint cards. Say somebody is arrested and we get the 10 prints, and there would be a viewer that would at least cut down on the work. There would be certain characteristics that the viewer, the computer could recognize. There are some systems out there that would at least start on the classification there?

Mr. BROTMAN. The only one is Print Track, and that is not sufficient for what we are doing, and there is some question as to its viability. It is very manually intensive and requires a great deal of checking. Classification is only one process as it relates to the entire process.

Mr. EDWARDS. I guess you are disappointed, too. We hoped for that kind of technology.

Mr. BROTMAN. I am relatively new to this, in the past 2 years, and very excited over the tremendous advances I have seen over the past 2 years and the tremendous potential for an outstanding system for the entire community.

Mr. EDWARDS. You don't intend to develop the viewing type of instrument that I haltingly described to you as part of your development at West Virginia?

Mr. BROTMAN. Yes, sir. In terms of the automated classification we discussed earlier we do intend to attempt that. In looking at alternative technologies that is one of the things we have. We have hired a man called Eric Mjolsness from Yale and Carol Crawford from the math department at Annapolis to look at the classification process. We hate to discuss these technological improvements too much because we don't want to forecast what we would like industry to do, but we have seen tremendous improvement in neural nets, which indicates to me that there is some possibility for classification, different from anything we have seen in the past.

Mr. EDWARDS. How can you have a quick turnaround if you would have to manually classify every print that comes in or at least the ones you cannot identify by name check?

Mr. BROTMAN. Well, that is a good question. It is different if we have to manually classify. The level of manual classification we are talking about is significantly different from that which you may remember from your time with the Bureau. Today it takes a great deal of time to take a set of fingerprints and fill out all kinds of numbers and things like that. I am not familiar with the actual classification process, but there is a great deal of effort that goes into about 114 different levels, much classification on each finger.

In the pattern classification we will be going to, if we have to do manual classification, which we hope we won't have to, it will be no more indepth than manual, only to say this is a loop, this is a whorl, et cetera, only seven classifications. We can do that with a smaller staff than what exists today. We have estimated, given the amount of input we intend to receive from live scan booking stations, we can turn it around in 2 hours and we can do the identification manually. Otherwise, we would do it much more quickly.

Mr. EDWARDS. Well, you are really a fine group of professionals, and we are very proud of you and all of your colleagues that work in this division.

Mr. York, you have heard our concerns, and you have heard us articulate our problems that are mostly historical where a voice scrambler costs three or four times as much as the FBI told us it was going to cost, et cetera. So we do have problems. I think that we are going to be more help than hindrance to you. We are not going to get in the way. It is on its way, and we want it to be the best system in the long run. We wish you well.

We will accept Mr. Stagers invitation to have a long lunch out there, too, at the best restaurant in town at his expense.

Thank you very much for coming.

[Whereupon, at 11:55 a.m., the subcommittee adjourned, to reconvene subject to the call of the Chair.]



# APPENDIX



U.S. Department of Justice  
Federal Bureau of Investigation

5/12

Office of the Director

Washington, D.C. 20535

March 19, 1992

Honorable Don Edwards  
Chairman  
Subcommittee on Civil and  
Constitutional Rights  
Committee on the Judiciary  
House of Representatives  
Washington, D.C.

Dear Mr. Chairman:

At the hearing yesterday there was much discussion of the issues relating to digital telephony. Because of the critical nature of these issues to all of law enforcement and that there was not sufficient time to fully explain our position, I have taken the liberty of enclosing an article I recently authored. This article succinctly explains both why law enforcement at all levels needs this legislation and precisely what the legislation is intended to accomplish. The most important points are that we intend only to maintain the status quo, that we are looking to the industry to find a solution that does not impede advancing technology, and that law enforcement will be severely negatively impacted in its ability to protect our citizens if this issue is not addressed quickly.

I would be pleased to arrange an in-depth briefing for you if you would like additional information.

Sincerely yours,

William S. Sessions  
Director

Enclosure



FBI/DOJ

Twenty-four years ago the United States Congress debated the constitutional dilemma between the Government's need to effectively address serious criminal conduct and the individual's right to be left alone and ultimately struck a balance with the enactment of the Omnibus Crime Control and Safe Streets Act of 1968. That law, and its subsequent amendments, created the exacting and meticulously demanding procedure by which Federal law enforcement can obtain judicial authorization to conduct electronic surveillance, that is, to wiretap.

Wiretapping, by that statute, can only be used to address the most serious criminal, and sometimes violent, threats facing our society. It has proven, as a technique of last resort, to be one of the most effective means of combatting criminal activities like organized crime, drug trafficking, kidnapping and public corruption. It receives severe judicial scrutiny, and only when a neutral judge is satisfied that all the safeguards have been met, is it permitted. Recent dramatic advances in technology, however, have the potential to effectively deprive law enforcement and the public of this carefully used technique, one that Congress expressly authorized in 1968.

The digital technology is rapidly revolutionizing the telecommunications industry. As the industry moves away from an analog-based system to the new digital technology which allows simultaneous transmission of multiple conversations and other data over the same lines, amazing new services, such as "Caller ID," will be available to both business and individual consumers. I applaud these new technologies. They have aided law enforcement greatly; for instance new technology helped the FBI in solving the bombing of Pan Am Flight 103.

Digital technology will also help law enforcement, but as it is now being implemented, without appropriate safeguards, it will critically impact upon the ability of all of law enforcement to detect and investigate serious, often life threatening, criminal activity. Congress has been asked to ensure that law enforcement will retain the ability to intercept communications just as Congress approved and authorized that ability in 1968 -- and nothing more.

After consulting with representatives of the telecommunications industry, Members of Congress and several Executive Branch agencies, the Department of Justice has proposed legislation designed only to preserve the current ability of law enforcement to obtain a court-authorized warrant and intercept specific criminal conversations of persons engaged in serious

criminal activity. This legislative proposal relies upon the telecommunications industry -- the entity most capable -- to find technical solutions that are both cost effective and that permit the advancement of technology now and in the future. The telecommunications industry must come to the aid of law enforcement, only they can solve this problem.

It is undisputable that there will be costs associated with whatever technical solution the competitive private sector develops. That cost, however, must be measured in both dollars and cents and the cost to society in lives lost because of law enforcement's inability to bring these criminals to justice, and solve the most complex crimes. Thus, the monetary costs are not so substantial as to outweigh the consequences of our resulting inability to act. As technology advances and the digital systems become more widespread, the cost of addressing the issue will undoubtedly increase dramatically.

Contrary to some speculation in the media, I welcome close scrutiny of this issue by Congress. I am confident that Congress will find that the technique is invaluable and essential in combatting today's sophisticated and often violent criminals and that it should be preserved. Over the last several years, in recognition of the importance of this tool, Congress has expanded the number and kinds of Federal criminal activity for which wiretapping authority may be obtained from the courts. Just as in 1968, Congress must decide if law enforcement should have

available a judicially authorized technique that will be used to save lives and put criminals in jail. I am confident that the Congress will recognize this as an issue directly bearing on the safety and well being of our citizens and support law enforcement by the enactment of the necessary legislation.



## U.S. Department of Justice

## Federal Bureau of Investigation

Office of the Director

Washington, D.C. 20535

April 22, 1992

Honorable Don Edwards  
Chairman  
Subcommittee on Civil  
and Constitutional Rights  
Committee on the Judiciary  
House of Representatives  
Washington, D.C.

Dear Mr. Chairman:

Thank you for the recent opportunity to testify before your Subcommittee concerning the FBI's Fiscal Year (FY) 1993 authorization request. It is the purpose of this letter to provide for the record more specific information concerning certain issues identified at the hearing.

Financial Institution Fraud

In FY 1991, the FBI obtained 2,559 convictions in financial institution fraud, a slight increase over 1990. Major convictions, which involved fraud of over \$100,000 and also included failed financial institutions, numbered 986, or 39 percent, of the total number. Of these major convictions, 166 were the result of failed financial institutions.

Violent Crime

While the number of Special Agents assigned to investigative matters under our Violent Crime and Major Offenders Program represents approximately 15 percent of our Agent workforce, it is important to note that the FBI's other investigative programs add significantly to the total resources applied by the FBI to the violent crime problem in America. Overlapping responsibility between our programs allows for the augmentation of necessary resources when violent crimes are involved in organized crime, civil rights, terrorism, drug, and other investigations. Also, the law enforcement support services that we provide, such as those offered through our fingerprint identification services, forensic analyses, the National Crime Information Center (NCIC), and the National Center for the Analysis of Violent Crime (NCAVC) not only provide resource support to FBI investigations but regularly provide assistance to state, local, and other law enforcement agencies investigating violent crimes.

Honorable Don Edwards

Equal Employment Opportunity (EEO)

During the hearing, I provided recent statistics concerning the number of Black and Hispanic Special Agents now employed by the FBI and the increases in these figures since I became Director. I have taken the liberty of enclosing for your review a booklet which includes more detailed information on our hiring of minorities and women as well as other EEO highlights over the past year. For your information, it is my intention to also provide this booklet to other Subcommittee Members as well.

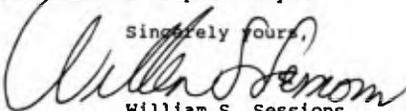
Digital Telephony

1. A question was raised concerning the legal authority to intercept "computer to computer" transmissions. As you know, the legal authority for duly authorized Federal law enforcement officers to intercept electronic communications is contained in Chapter 119 of Title 18, United States Code. This particular issue is clarified in Section 2510 of that Chapter, which defines an electronic communication as "any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectric, or photo-optical system that affects interstate commerce . . ." and, using this definition, "computer to computer" transmissions, would be covered.

2. The FBI has already experienced significant difficulties in attempting to conduct authorized electronic surveillance due to advancing technology. The negative impact was clearly demonstrated by the advent of cellular telephony. When cellular telephones became widely used, the ability of Federal, state, and local law enforcement agencies to conduct court-authorized wiretaps in countless criminal investigations, particularly in major metropolitan areas, was greatly diminished. We have identified that, as industry moves toward the implementation of totally digital systems, it will become virtually impossible for law enforcement to conduct wiretaps. Telecommunications services provided by C & P Telephone, a Bell Atlantic Company, are estimated to be 100 percent digital-capable in 1994.

I hope this information is helpful to you.

Sincerely yours,



William S. Sessions  
Director

Enclosure



**FEDERAL BUREAU OF INVESTIGATION**

**EQUAL EMPLOYMENT OPPORTUNITY HIGHLIGHTS**

**1991 - 1992**

Equal Employment Opportunity Highlights

1991

**EEO Office Development****Reorganization of Office**\* **Complaint Processing Unit**

Oversees all complaint processing, case analyses, reporting, coordination with other divisions concerning administrative and personal actions

\* **Special Programs Unit**

Oversees "Preventive Actions" including Special Emphasis Programs (Minority, Women, Persons with Disabilities, Upward Mobility), Employee Advisory Committees, Task Forces (Climate Survey, Black Agents Issues, All Agents Issues), EEO Training

**EEO Training Officer Placed at Quantico**

- \* All 300 EEO Counselors Trained
- \* All Supervisors from Largest Field Offices Trained by Office of Personnel Management
- \* All MAP I, II and Executive Development Institute Classes receive EEO Training
- \* All New Agents Classes receive EEO Training
- \* All New Relief Supervisors receive EEO Training

**Additional Developments**

- \* EEO Newsletter Distributed to all employees Promptly and accurately provide EEO-related information and developments
- \* FBI assigns Supervisory Special Agent to staff Law Enforcement Participation of Martin Luther King, Jr. Holiday Commission
- \* EEO Officer evaluates All SACs re: EEO Actions: Community/Minority Outreach, Recruitment and Promotion efforts, Promotion of positive working environment
- \* FBI Mentors help students stay in school
- \* Climate Survey Committee provides recommendations to Director
- \* Director convenes Special Meetings for Special Agent representatives from all divisions to discuss EEO initiatives and variety of personnel issues
- \* Director convenes Special Meetings for Black Special Agents concerning EEO issues

**EEO Complaint Processing**

72 New Complaints Received - Highest Number Ever

**38 Cases Closed**

18 cases settled  
 20 Cases canceled, rejected or withdrawn  
 35 (49%) filed by Special Agents  
 27 (36%) filed by Support Staff  
 10 (13%) filed by Employment Applicants

**Issues of Complaints**

27.3% - Promotions  
 31.2% - Miscellaneous  
 6.5% - Performance Evaluations/Appraisals  
 6.5% - Employment Appointments (Initial Hire)  
 5.2% - Assignments of Duties  
 5.2% - Reprimands  
 5.2% - Harassment (not related to sex)  
 3.9% - Terminations of Employment  
 2.6% or Less of All Complaints  
 Working Conditions  
 Duty Hours  
 Suspensions  
 Training  
 Sexual Harassment

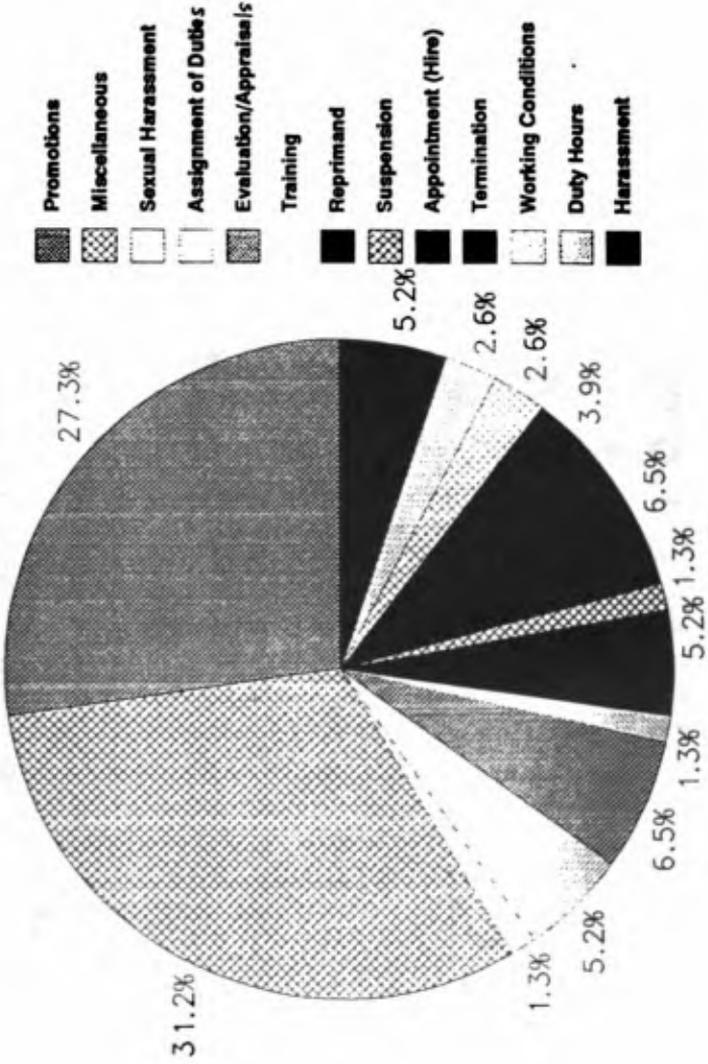
**Bases of Complaints**

29.3% - Race or Color  
 23.3% - Sex  
 14.7% - Reprisal  
 11.2% - National Origin  
 11.2% - Age  
 7.8% - Handicap  
 2.6% - Religion

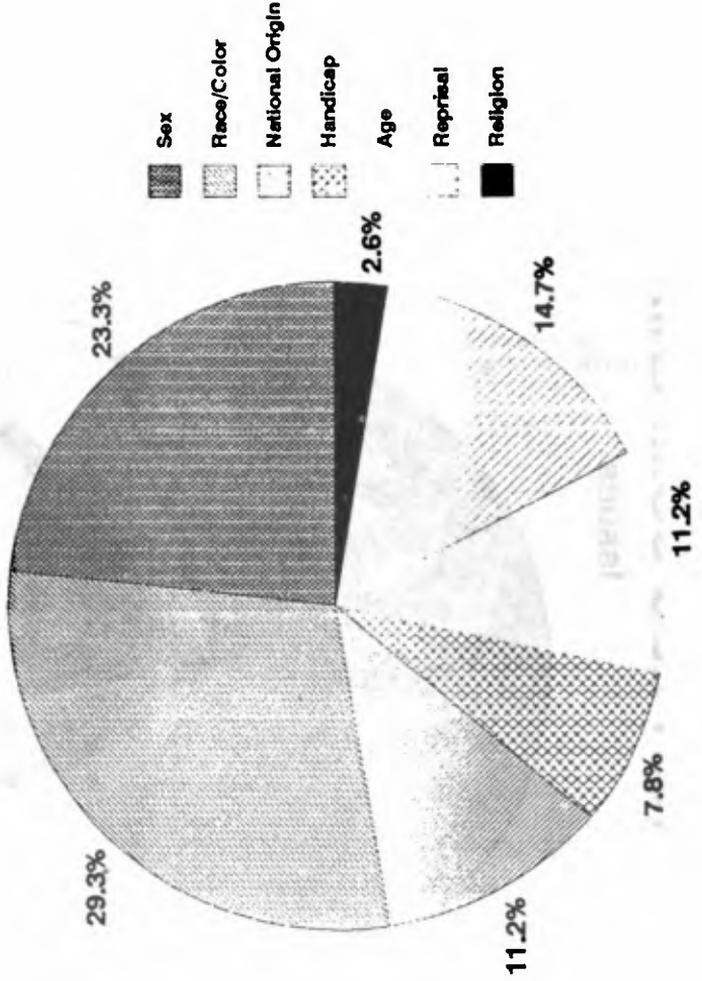
Total Number of Pending Cases October 1, 1990	107
New Complaints Filed October 1, 1990 - September 30, 1991	+ 72
Cases Closed	<u>- 38</u>
Total Number of Pending Cases - September 30, 1991	141

# 1991 EEO COMPLAINTS

## Issues



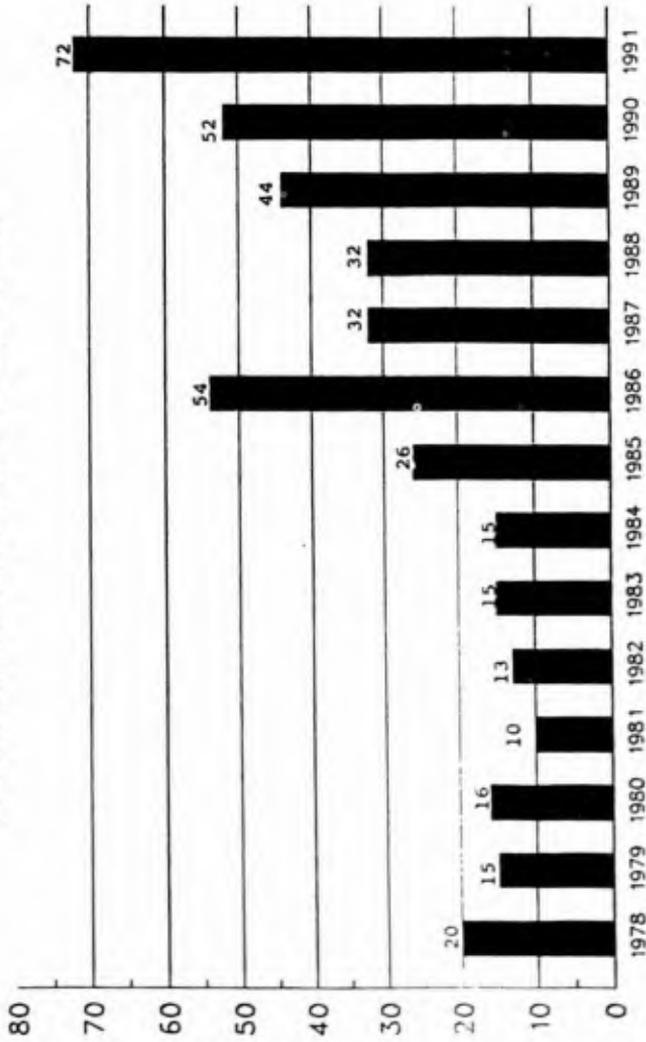
# 1991 EEO Complaints Bases



# NUMBERS OF EEO COMPLAINTS

FOR

CALENDAR YEARS 1978 TO PRESENT



Memorandum


 Dep. Dir. \_\_\_\_\_  
 AD Adm. \_\_\_\_\_  
 AD Inv. \_\_\_\_\_  
 Asst. Dir. : \_\_\_\_\_  
 Adm. Servs. \_\_\_\_\_  
 Crim. Inv. \_\_\_\_\_  
 Ident. \_\_\_\_\_  
 Info. Mgmt. \_\_\_\_\_  
 Insp. \_\_\_\_\_  
 Intell. \_\_\_\_\_  
 Lab. \_\_\_\_\_  
 Legal Coun. \_\_\_\_\_  
 Tech. Servs. \_\_\_\_\_  
 Training \_\_\_\_\_  
 Cong. Affs. Off. \_\_\_\_\_  
 Off. of EEO \_\_\_\_\_  
 Off. of Liaison & \_\_\_\_\_  
 Int. Affs. \_\_\_\_\_  
 Off. of Public Affs. \_\_\_\_\_  
 Telephone Rm. \_\_\_\_\_  
 Director's Office \_\_\_\_\_

 To : Mr. Clarke  
 From : J. R. Pérez  
 Subject : EQUAL EMPLOYMENT OPPORTUNITY (EEO)  
 MONTHLY REPORT ON NUMBER OF MINORITIES,  
 WOMEN, AND EMPLOYEES WITH DISABILITIES

Date 3/9/92

The following statistical data represents the monthly recapitulation of minorities, women and employees with disabilities as of 2/29/92.

## FBI AMERICAN INDIAN EMPLOYEES AS OF 2/29/92

	Field	FBIHQ	Bureau	Gain or Loss Since 1/31/92	*Gain or Loss Since 10/31/87
Agents	38	4	42	+ 1	+ 3
Support	28	21	49	+ 1	+ 28
Totals	66	25	91	+ 2	+ 31

## FBI ASIAN EMPLOYEES AS OF 2/29/92

	Field	FBIHQ	Bureau	Gain or Loss Since 1/31/92	*Gain or Loss Since 10/31/87
Agents	145	6	151	+ 1	+ 40
Support	160	44	204	+ 1	+ 50
Totals	305	50	355	+ 2	+ 90

Memorandum from J. R. Pérez to Mr. Clarke  
 Re: Equal Employment Opportunity (EEO)  
 Monthly Report on Number of Minorities,  
 Women and Employees with Disabilities

**FBI BLACK EMPLOYEES AS OF 2/29/92**

	Field	FBIHQ	Bureau	Gain or Loss Since 1/31/92	*Gain or Loss Since 10/31/87
Agents	463	47	510	+ 5	+118
Support	1183	3042	4225	+ 14	+160
Totals	1646	3089	4735	+ 19	+278

**FBI HISPANIC EMPLOYEES AS OF 2/29/92**

	Field	FBIHQ	Bureau	Gain or Loss Since 1/31/92	*Gain or Loss Since 10/31/87
Agents	568	37	605	+ 3	+206
Support	502	64	566	+ 10	+234
Totals	1070	101	1171	+ 13	+440

**FBI WHITE EMPLOYEES AS OF 2/29/92**

	Field	FBIHQ	Bureau	Gain or Loss Since 1/31/92	*Gain or Loss Since 10/31/87
Agents	8290	824	9114	+ 21	+656
Support	5261	3780	9041	+ 54	+562
Totals	13551	4604	18155	+ 75	+1226

**FBI WOMEN SPECIAL AGENTS AS OF 2/29/92**

	Field	FBIHQ	Bureau	Gain or Loss Since 1/31/92	*Gain or Loss Since 10/31/87
	1118	64	1182	+ 7	+672

The percentage of women Special Agents is 11.2%

**FBI EMPLOYEES WITH DISABILITIES AS OF 2/29/92**

	Field	FBIHQ	Bureau	Gain or Loss Since 1/31/92	*Gain or Loss Since 10/31/87
	447	417	264	+ 3	+279

"1992-10-31" "1-31-92"

Memorandum from J. R. Pérez to Mr. Clarke  
 Re: Equal Employment Opportunity (EEO)  
 Monthly Report on Number of Minorities,  
 Women and Employees with Disabilities

EMPLOYEES WITH TARGETED DISABILITIES AS OF 2/29/92

Field	FBIHQ	Bureau	Gain or Loss Since 1/31/92	*Gain or Loss Since 12/30/87	
	56	79	135	+ 0	+ 28

TARGETED DISABILITIES

	Deaf	Blind	Missing Xtrmty	Partial Para	Cmplt Para	Cnvlsv Dsdrds	Mental Retd	Mental Illness	Dstrtn Lmb/spn
Field	7	19	4	10	2	11	0	2	1
FBIHQ	16	9	6	8	4	31	0	3	2

PERCENTAGE OF MINORITY AND WOMEN SPECIAL AGENTS AS OF  
 2/29/92.

	Number of Men	Percent of Total	Number of Women	Percent of Total	Total Group	Percent of Total
White	8079	77.5	1035	9.9	9114	87.5
Black	434	4.2	76	.7	510	4.9
Hispanic	551	5.3	54	.5	605	5.8
Am Indian	36	.3	6	.1	42	.4
Asian	140	1.3	11	.1	151	1.4
TOTALS	9240	88.6‡	1182	11.3‡	10422	100‡
ALL MINORITIES						
	1161	11.1‡	147	1.4‡	1308	12.6‡

(CONTINUED-OVER)

Memorandum from J. R. Pérez to Mr. Clarke  
 Re: Equal Employment Opportunity (EEO)  
 Monthly Report on Number of Minorities,  
 Women and Employees with Disabilities

PERCENTAGE OF MINORITY AND WOMEN SUPPORT PERSONNEL  
 AS OF 2/29/92

	TOTAL	PERCENT
Support Personnel	14084	100.0%
Men	4106	29.2%
Women	9978	70.8%
Black	4223	30.0%
Hispanic	567	4.0%
American Indian	49	0.3%
Asian	204	1.4%
All Minority	5043	35.8%

RECOMMENDATION: None. For information only.

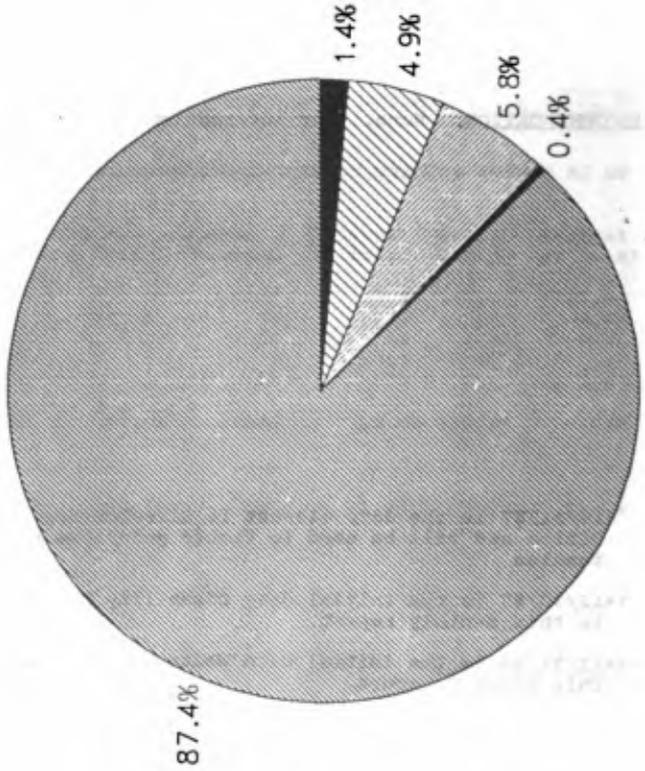
\*10/31/87 is the date closest to Director Sessions' oath of Office and will be used to figure gain/loss of minorities and females

\*\*12/30/87 is the initial date Disability statistics were added to this monthly report.

\*\*\*12/31/90 is the initial date White statistics were added to this monthly report.

# Special Agent Percentage Distribution by Race

As of February 29, 1992

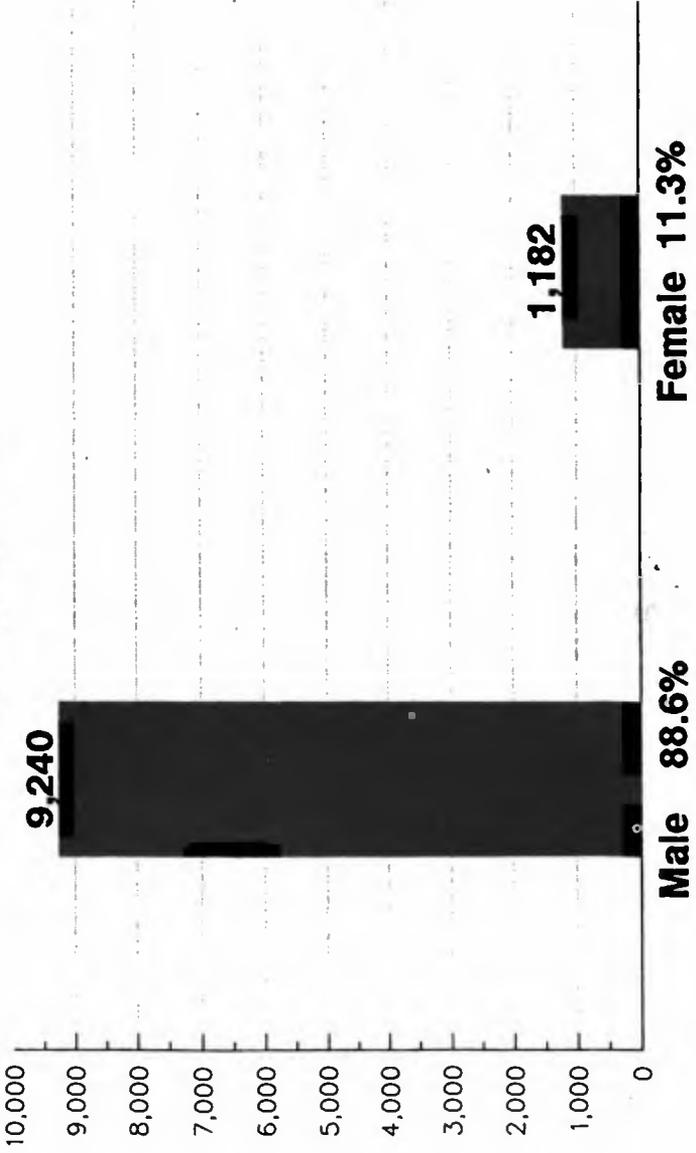


White	9114
Am. Indian	42
Hispanic	605
Black	510
Asian	151

# Special Agent Percentage

## Distribution by Sex

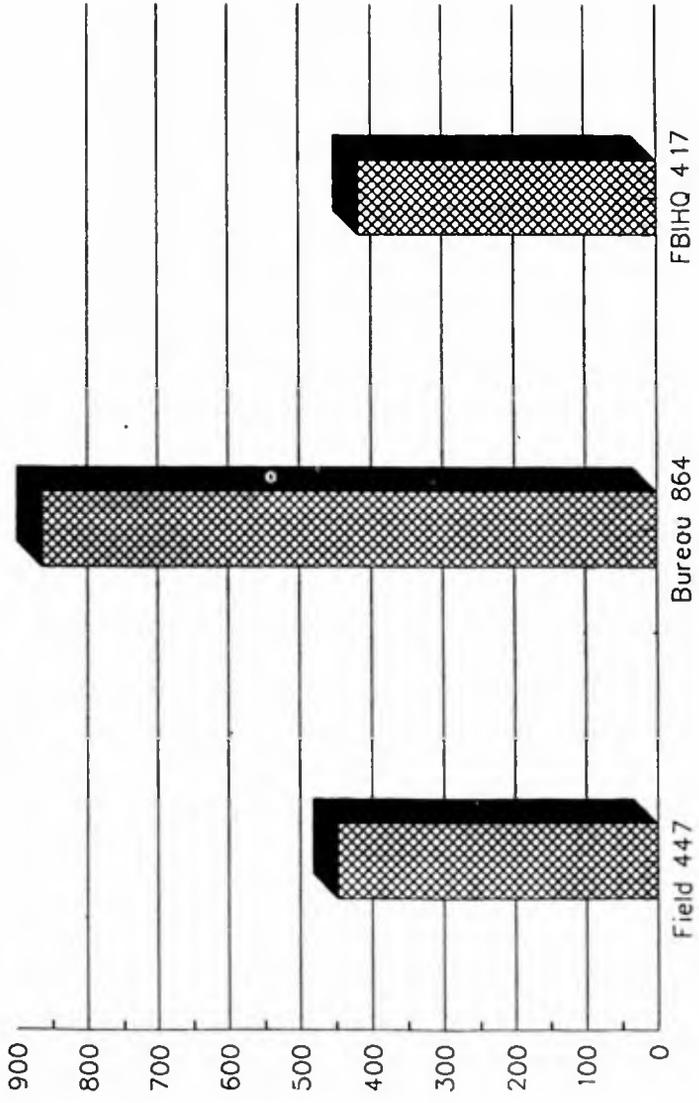
As of February 29, 1992



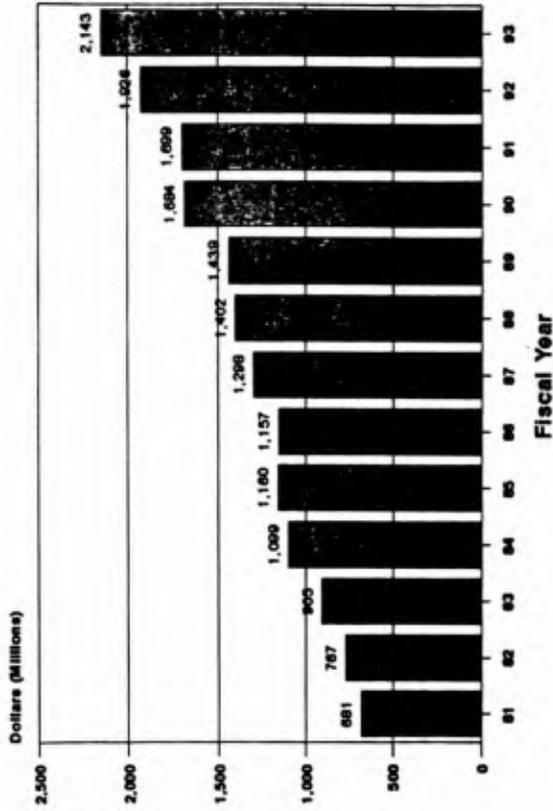
Percentage of Minority and  
 Women Support Personnel  
*February 29, 1992*

	Amount	Percent
Support Personnel	14,084	100.0%
Men	4,106	29.2%
Women	9,978	70.8%
Black	4,223	30.0%
Hispanic	567	4.0%
American Indian	49	0.3%
Asian	204	1.4%
All Minority	5,043	35.8%

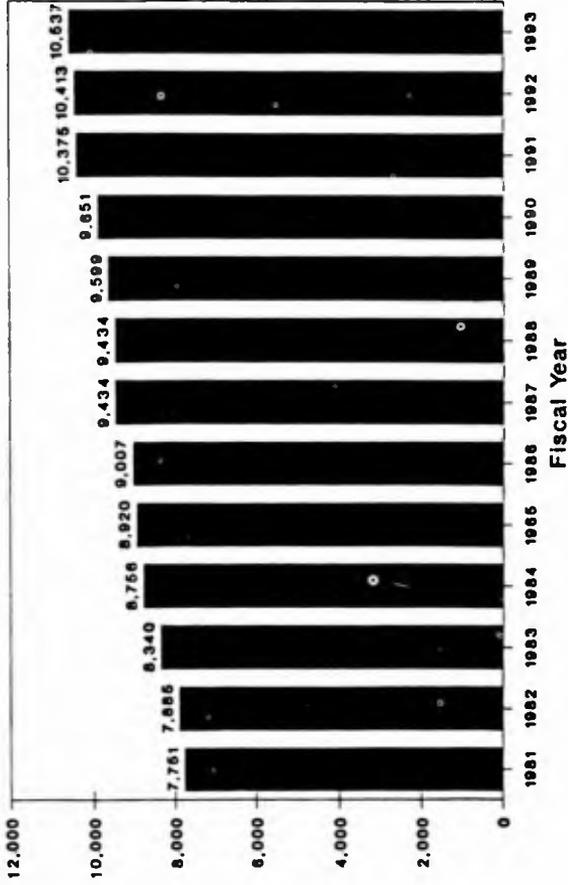
FBI EMPLOYEES WITH DISABILITIES  
AS OF FEBRUARY 29, 1992



# FEDERAL BUREAU OF INVESTIGATION BUDGET FOR FISCAL YEARS 1981 THRU 1993



## FBI AGENT STAFFING END-OF-YEAR ON BOARD STRENGTH





U.S. Department of Justice  
Federal Bureau of Investigation

Office of the Director

Washington, D.C. 20535

March 20, 1992

Honorable Don Edwards  
Chairman  
Subcommittee on Civil and  
Constitutional Rights  
House of Representatives  
Washington, D.C.

Dear Mr. Chairman:

Please find enclosed answers to ten questions that you submitted by letter dated February 13, 1992, in anticipation of a hearing on the FBI's Identification Division scheduled for March 20, 1992. Should you have any additional questions in relation to these responses, please contact Special Counsel Charles E. Mandigo, of this office, telephone number (202) 324-6028.

Sincerely yours,

William S. Sessions  
Director

Enclosures

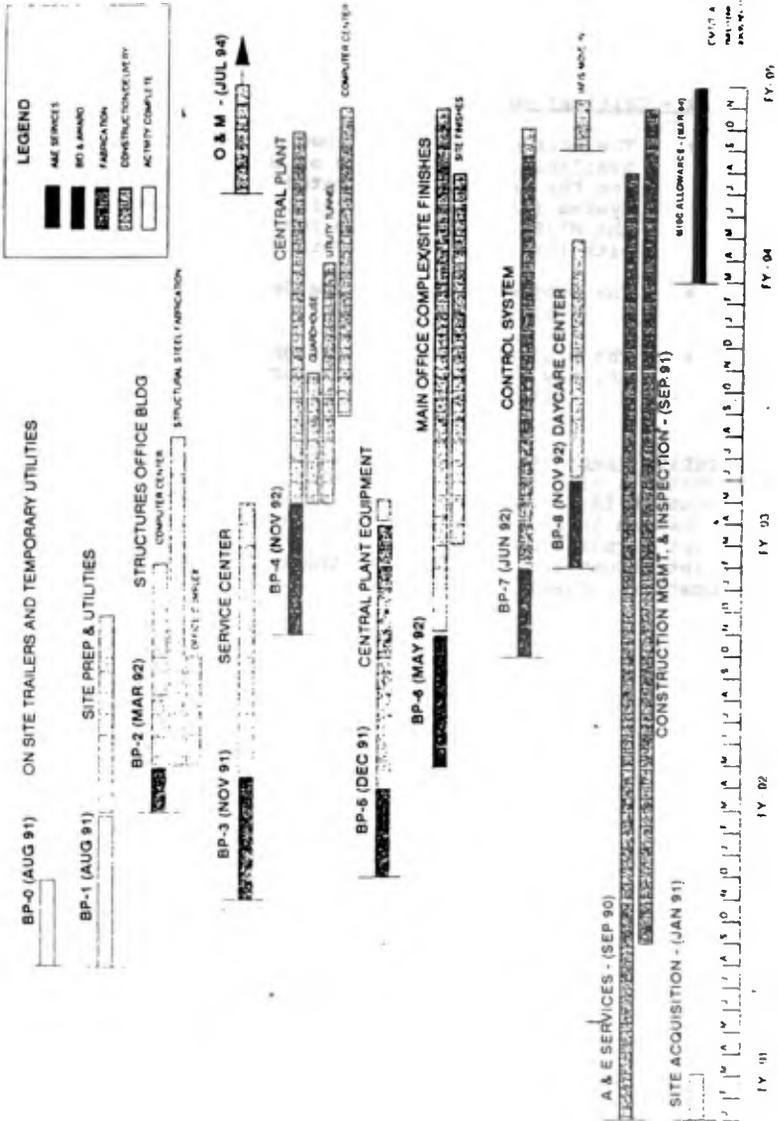
**QUESTION 1:** Please provide the current budget and timetable for the revitalization and relocation project, with the most detailed breakdown of cost estimates available.

**ANSWER - Critical Points:**

- ♦ The most detailed breakdown of cost estimates available, and the basis of the FBI's budget request for the Integrated Automated Fingerprint Identification System (IAFIS) is the Benefit/Cost Analysis prepared by the MITRE Corporation in September 1991, in conjunction with the IAFIS Concept Formulation Study.
- ♦ The projected cost for the development of the IAFIS is \$ million.
- ♦ The projected cost for design and construction of the new facility in Clarksburg, West Virginia is \$ million.

**Executive Response:** The most detailed breakdown of cost estimates available, and the basis of the FBI's budget request for the IAFIS is the Benefit/Cost Analysis prepared by the MITRE Corporation in September 1991, in conjunction with the IAFIS Concept Formulation Study. The attached two charts identify the current budget and timetable for the revitalization and relocation project.

IDENTIFICATION DIVISION REVITALIZATION & RELOCATION PROJECT  
DESIGN & CONSTRUCTION TIMELINE



**IDENTIFICATION DIVISION  
REVITALIZATION & RELOCATION PROJECT  
TIMELINE**

**BUILDING DESIGN & CONSTRUCTION**

<u>Projected Date</u>	<u>Item</u>	<u>Status</u>
1/91	Site acquisition	Land purchased 1/91
8/91	Groundbreaking ceremony in Clarksburg, W. Va the site of the new facility	8/91
9/91	Award Bid Package (BP)-0 On-site trailers & temporary utilities	BP-0 awarded 9/91 work completed 11/91
11/91	Award BP-1 Site preparation and utilities	BP-1 awarded 10/91
6/92	Award BP-2 Structural Steel Fabrication - Computer Center - Office Complex	Commerce Business Daily (CBD) advertisement 2/92; Bids due 5/92
3/92	Award BP-3 Service Center	Invitation For Bids (IFB) due 3/92. Contract award expected 4/92
3, 93	Award BP-4 Central Plant - Guardhouse - Utility trailer - Computer Center	CBD advertisement 3/92. Request for Proposals (RFP) planned 11/92
12/91	Award BP-5 Central Plant Equipment - Turbine/Generators - Heat Recovery Equipment	RFP bids due 3/92 RFP bids due 7/92
11 92	Award BP-6 Main Office Complex/Site - Day care - Site Finishes	CBD advertisement 4/92 IFB due 9/92

IDENTIFICATION DIVISION  
REVITALIZATION & RELOCATION PROJECT  
TIMELINE

SATELLITE OPERATIONS

<u>Projected Date</u>	<u>Item</u>	<u>Status</u>
1/91	Clarkeburg, WV Post Office chosen as facility to house initial Satellite office	Selection made 1/91
3/91	Satellite Facility becomes operational	Opened 3/91
3/91	Establish a Recruiting Team and a Construction Management Team in West Virginia	23 employees on board as of 3/9/92
10/92	Satellite I will house 300 employees in West Virginia	As of 3/9/92 209 on board (Total WV employees = 232)
3/92	Satellite II Request for Proposals (RFP)	Proposals received 3/92
5/92	Satellite II becomes operational	Selection of facility in process
10/92	Satellite II will house 300 employees in West Virginia	Hiring plan developed and first employees to report 5/92

IDENTIFICATION DIVISION  
REVITALIZATION & RELOCATION PROJECT  
TIMELINE

INTEGRATED AUTOMATED FINGERPRINT  
IDENTIFICATION SYSTEM (IAFIS)

<u>Projected Date</u>	<u>Item</u>	<u>Status</u>
9/91	Produce final IAFIS System Requirements Definition and Benefits/Cost Analysis from MITRE Corporation	Completed 9/91
4/91	Imaga Transmission Network (ITN) - Award ITN Prototype	Contract awarded 9/91 for Department of Energy studios
10/91	- Prototype Fingerprint Image Scanner System	Contract awarded 9/91 to Department of Energy
7/92	- Procure Fingerprint Imaga Scanner System & commence fingerprint card conversion process	Congressional action provided \$8 million in No-Year funding during FY 1992
3/93	- Procure first phase ITN equipment	No action
3/94	- Procure second phase ITN equipment	No action
3/94	Interstate Identification Index (III) - Procure enhancements	No action
10/92	Automated Fingerprint Identification System (AFIS) - Award Competitive Concepts/ Demonstration Contract	Congressional action provided \$40 million in No-Year funding during FY 1992
7/94	- Award Production AFIS Contract	No action

**QUESTION 2:** What is the basis for the \$50 million request for converting the Bureau's master fingerprint file to electronic images?

**ANSWER - Critical Points:**

- ♦ Currently, the FBI has master fingerprint card files for nearly 25,000,000 criminals. By 1995, the number of criminal cards is projected to grow to 31,700,000. In order to use one of these cards to make an identification, the card must be retrieved from the master file and compared to the incoming set of prints. Once the comparison has been completed, the fingerprint card is refiled. This is a totally manual and very labor-intensive process. No other fingerprint examiner can use the card to make comparisons while it is out of the file and due to the size of the files and complexity of the existing classification system, a significant number of cards become misfiled.
- ♦ Under the Image Transmission Network (ITN), the FBI will be able to receive and process electronic fingerprint images submitted by other law enforcement agencies. Fingerprints will be stored as images in an electronic database. Examiners will be able to call up fingerprint images of suspects on computer workstations and compare them against crime scene images. Multiple examiners will be able to access, view, and compare the fingerprints of the same suspect simultaneously. To achieve this capability, it is necessary to convert the existing criminal fingerprint card master file to an electronic format.
- ♦ The MITRE Corporation's Benefit/Cost Analysis estimated \$55.5 million to convert 31.7 million cards at \$1.75 per card, based on vendor quotes.

**Executive Response:** Currently, the FBI has master fingerprint card files for nearly 25,000,000 criminals. By 1995, the number of criminals is projected to grow to 31,700,000. In order to use one of these cards to make an identification, the card must be retrieved from the master file and compared to the incoming set of prints. Once the comparison has been completed, the fingerprint card is refiled. This is a totally manual and very labor-intensive process. No other fingerprint examiner can use the card to make comparisons while it is out of the file and due to the size of the files and complexity of the existing classification system, a significant number of cards become misfiled. Under the Image Transmission Network (ITN), the FBI will be able to receive and process electronic fingerprint images submitted by other law enforcement agencies. Fingerprints will be stored as images in an electronic database. Examiners will be able to call up fingerprint images of suspects on computer

workstations and compare them against crime scene images. Multiple examiners will be able to access, view, and compare the fingerprints of the same suspect simultaneously. To achieve this capability, it is necessary to convert the existing criminal fingerprint card master file to an electronic format.

The MITRE Corporation's Benefit/Cost Analysis estimated \$55.5 million to convert 31.7 million cards at \$1.75 per card, based on vendor quotes.

**QUESTION 3:** The Bureau's cost estimate for the conversion works out to \$1.56 per card. How does this compare with the experience of states that have undertaken conversion projects recently, and what accounts for any disparity?

**ANSWER - Critical Points:**

- ♦ The Bureau's cost estimate was for \$55.5 million to convert 31.7 million cards at \$1.75 per card, not \$1.56. The \$55.5 million was requested in the FBI's FY 1993 Budget Request; however, only \$50 million was approved by the Office of Management and Budget to support the ID's conversion efforts. It is the Identification Division's intent to request the remaining \$5.5 million in the FY 1994 budget.
- ♦ Philadelphia Police Department (Philadelphia), the Western Identification Network (WIN), the Northern Virginia Regional Identification System (NOVARIS), and Oklahoma City are also currently undergoing conversion efforts. Dependent upon their overall requirements, i.e., image capture, rolled impressions, flat impressions and the amount of textual area to be converted, the price per card ranges from \$1.00 to \$1.80. Overall based upon existing experiences and with the FBI's requirements for quality and performance, the \$1.75 cost per card is a reasonable estimate.

**Executive Response:** The Bureau's cost estimate was for \$55.5 million to convert 31.7 million cards at \$1.75 per card, not \$1.56. The \$55.5 million was requested in the FBI's FY 1993 Budget Request; however, only \$50 million was approved by the Office of Management and Budget to support the ID's conversion efforts. It is the Identification Division's intent to request the remaining \$5.5 million in the FY 1994 budget.

In regard to the experiences of others that have undertaken conversion projects, Philadelphia Police Department (Philadelphia) is currently under going a similar conversion effort. The cost per card to support Philadelphia's conversion requirements is \$1.50 per card. Philadelphia has approximately 400,000 cards to be converted, and the cards are being converted by contractor support at an off-site location in California. The FBI will use contractor support; however, the FBI's policy prohibits the fingerprint master card file from being located outside FBI Headquarters. In addition, the Western Identification Network (WIN), the Northern Virginia Regional Identification System (NOVARIS), and Oklahoma City are also currently undergoing conversion efforts. Dependent upon their overall requirements, i.e., image capture, rolled impressions, flat impressions and the amount of textual area to be converted, the price per card ranges from \$1.00 to \$1.80. Overall based upon existing experiences and with the FBI's requirements for quality and performance, the \$1.75 cost per card is a reasonable estimate.

**QUESTION 4:** In building the initial database of fingerprint images to support the IAFIS, does the FBI expect to use images submitted electronically by any of the states? Will the electronic database that supports the FBI's current fingerprint readers be of any use? In each case, please explain why or why not.

**ANSWER - Critical Points:**

- ♦ The FBI will not be using images submitted by the states electronically in building its new IAFIS data base.
- ♦ The electronic data base that supports the FBI's current fingerprint search system contains only the minutiae generated from the images which are only retained until the minutiae data can be generated. Therefore, there are no electronic images available to support the conversion.

**Executive Response:** The FBI will not be using images submitted by the States in building its initial IAFIS data base. However, once the IAFIS is operational, images could be added to the data base via electronic submissions. The IAFIS image data base is being developed to handle images read at 500 pixels per inch (ppi) and 256 scales of gray. The vendors and the FBI have been working with the National Institute of Science and Technology in developing a common image standard which includes the 500 ppi requirement. Although present vendors use images of this fineness to generate their minutiae data, they then store the images and, when applicable, transmit them at 250 ppi. The ITN System is being designed to operate with the 500 ppi images, but the ITN is not planned for implementation until June 1995. By that time the AFIS vendors should also be able to retain and transmit 500 ppi images.

The electronic data base that supports the FBI's current fingerprint search system contains only the minutiae generated from the images which are only retained until the minutiae data can be generated. Therefore, there are no electronic images available to support the conversion.

**QUESTION 5:** What is the justification for converting cards for all of the 25 million subjects in the FBI's original fingerprint file, including, for example, cards of 79 year olds and cards of individuals who had one arrest 25 years ago? Has the FBI considered the cost-benefit implications for the IAFIS project of automating less than the full master fingerprint file?

**ANSWER - Critical Points:**

- ♦ There are already about 3,200,000 fingerprint cards that the Bureau has determined not to convert due to minimal activity. These 3,200,000 represent individuals with a date of birth 1928 or prior with an arrest prior to 1974. The Identification Division believes that any further attempts to reducing the conversion scope would not be efficient or effective.

**Executive Response:** There are already about 3,200,000 fingerprint cards that the Bureau has determined not to convert due to minimal activity. These 3,200,000 represent individuals with a date of birth 1928 or prior with an arrest prior to 1974. The Identification Division believes that any further attempts to reducing the conversion scope would not be efficient or effective.

**QUESTION #1:** Please explain the statement on p.78 of the FBI's budget justification that "military and civilian fingerprints received after the start-up of full IAFIS operations will be added to the image database on a 'day-one' basis." What are the cost implications of adding military and civilian prints to the database as it grows over time?

**ANSWER - Critical Points:**

- ♦ The FBI will not convert the existing military and civilian fingerprint card file to high-density image files as will be the case for the criminal fingerprint card file.
- ♦ The present military and civilian card file collection is approximately 90 million cards, many of which no longer need to be retained. This file is added to when an applicant card is received. Presently, no attempt is made to maintain an automated index to the current collection of Government employees. The cards will be microfilmed or suitably archived for manual use in identification processes.
- ♦ The IAFIS operation will allow the FBI to develop a process for maintaining an automated index and image file of current fingerprints for military and civilian employees. By building the new file from a day-one forward basis, approximately 700,000 to 800,000 per year, the cost of the file is distributed annually and occurs only when new employees are added. The estimated file size by the year 2000 is 4,500,000 images, approximately 10 percent of the criminal file size. This file will be maintained as a separate file to monitor costs and growth.
- ♦ The long-term costs of storing and maintaining the manual hard copy file of fingerprint cards will exceed the anticipated costs of an automated high-density image file similar to the criminal fingerprint image file. The estimated cost is \$1.00 per card for storage.

**Executive Response:** This file is used by the FBI to make positive identifications in the event of disaster or war. The FBI will not convert the existing military and civilian fingerprint card file to high-density image files as will be the case for the criminal fingerprint card file. The present military and civilian card file collection is approximately 90 million cards, many of which no longer need to be retained. This file is added to when an applicant card is received. Presently, no attempt is made to maintain an automated index to the current collection of Government employees. The cards will be

microfilmed or suitably archived for manual use in identification processes.

The IAFIS operation will allow the FBI to develop a process for maintaining an automated index and image file of current fingerprints for military and civilian employees. By not attempting to update the old file, the massive one-time labor and costs of trying to determine which cards are valid and if the collection is complete will be avoided. By building the new file from a day-one forward basis, approximately 700,000 to 800,000 per year, the cost of the file is distributed annually and occurs only when new employees are added. The estimated file size by the year 2000 is 4,500,000 images, approximately 10 percent of the criminal file size. This file will be maintained as a separate file to monitor costs and growth. The long-term costs of storing and maintaining the manual hard copy file of fingerprint cards will exceed the anticipated costs of an automated high-density image file similar to the criminal fingerprint image file. The estimated cost is \$1.00 per card for storage.

**QUESTION 7:** What is the per year cost, in FY 92 and out years, of the project to automate the 8.8 million manual rap sheets?

**ANSWER - Critical Points:**

- ♦ The projected personnel cost for FY 1992 for the automation of the 8.8 million rap sheets is approximately \$5,305,800.
- ♦ The projected personnel cost for the out years is outlined as follows:

FY 1993 - \$ 5,305,800  
FY 1994 - \$ 6,420,018  
FY 1995 - \$ 7,062,020  
FY 1996 - \$ 7,768,222

**Executive Response:** The projected personnel cost for FY 1992 for automation of the 8.8 million manual rap sheets is approximately \$5,305,800. An estimated five percent increase will be required for each subsequent year.

**QUESTION #1:** When does the Bureau expect to complete automation of the 8.8 million records?

**ANSWER - Critical Points:**

- ♦ The ID is working on technology to increase the input capability of the conversion process.
- ♦ With increased input capabilities the ID would be able to complete the conversion process in five years.
- ♦ Without increased input capabilities the conversion process would require ten years to complete.

**Executive Response:** The ID is working on technology to increase the input capability of the conversion process. If the capability is achieved, the ID will be able to complete the conversion in a period of five years. Without this technology, the conversion would require at least ten years to complete.

**QUESTION 9:** Would the Bureau automate manual records that have not been the subject of current arrest activity? What would be the justification for that effort?

**ANSWER - Critical Points:**

- ♦ The ID will be examining the benefits of automating all of the records and comparing those benefits to the actual costs associated with the automation effort.
- ♦ The MITRE Corporation has recommended the conversion of all 8.8 million records.
- ♦ The NCIC APB also supports the full conversion of all records.
- ♦ Full conversion of all records will allow for immediate on-line access through the Interstate Identification Index.
- ♦ Full conversion is necessary to support such initiatives as Felon Identification in Firearm Sales - the Brady Bill.

**Executive Response:** The ID will be examining the benefits of automating all of the records compared to the actual costs associated with the automation effort. The MITRE Corporation has recommended the conversion of all 8.8 million records, based on surveys of the ID users. The NCIC APB also supports the full conversion of all records to allow immediate on-line access through the Interstate Identification Index. Full conversion is necessary to support such initiatives as Felon Identification in Firearm Sales - the Brady Bill.

**QUESTION 10:** Can you estimate what percentage of the 8.8 million records show no arrest activity in the past 10 years?

**ANSWER - Critical Point:**

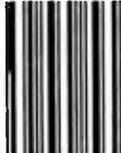
- ♦ Currently these records are not automated. Therefore, the ID cannot estimate the number of records which have had no activity in the past ten years.

**Executive Response:** Since these records are not automated, the ID cannot estimate the number of records which have had no activity in the past ten years.

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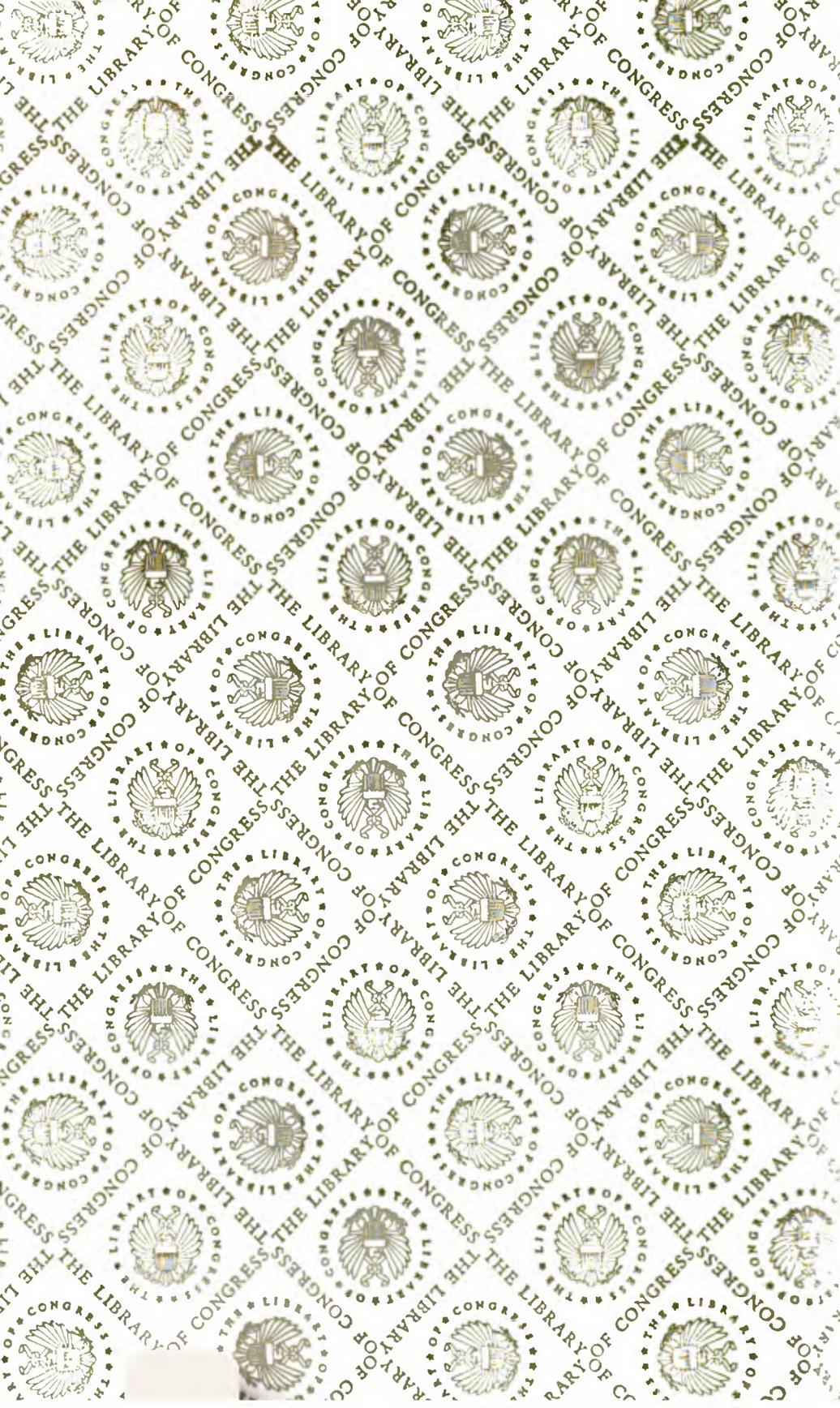


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